

ACTS

OF THE

One Hundred and Second Legislature

OF THE

STATE OF NEW JERSEY,

AND

THIRTY-FOURTH UNDER THE NEW CONSTITUTION.



ELIZABETH, N. J.:

DRAKE & COOK, "ELIZABETH HERALD" PRINTING HOUSE.

1873.

New Jersey State Library



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Secretary of State.

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OF THE
One Hundred and Second Legislature
OF NEW JERSEY.

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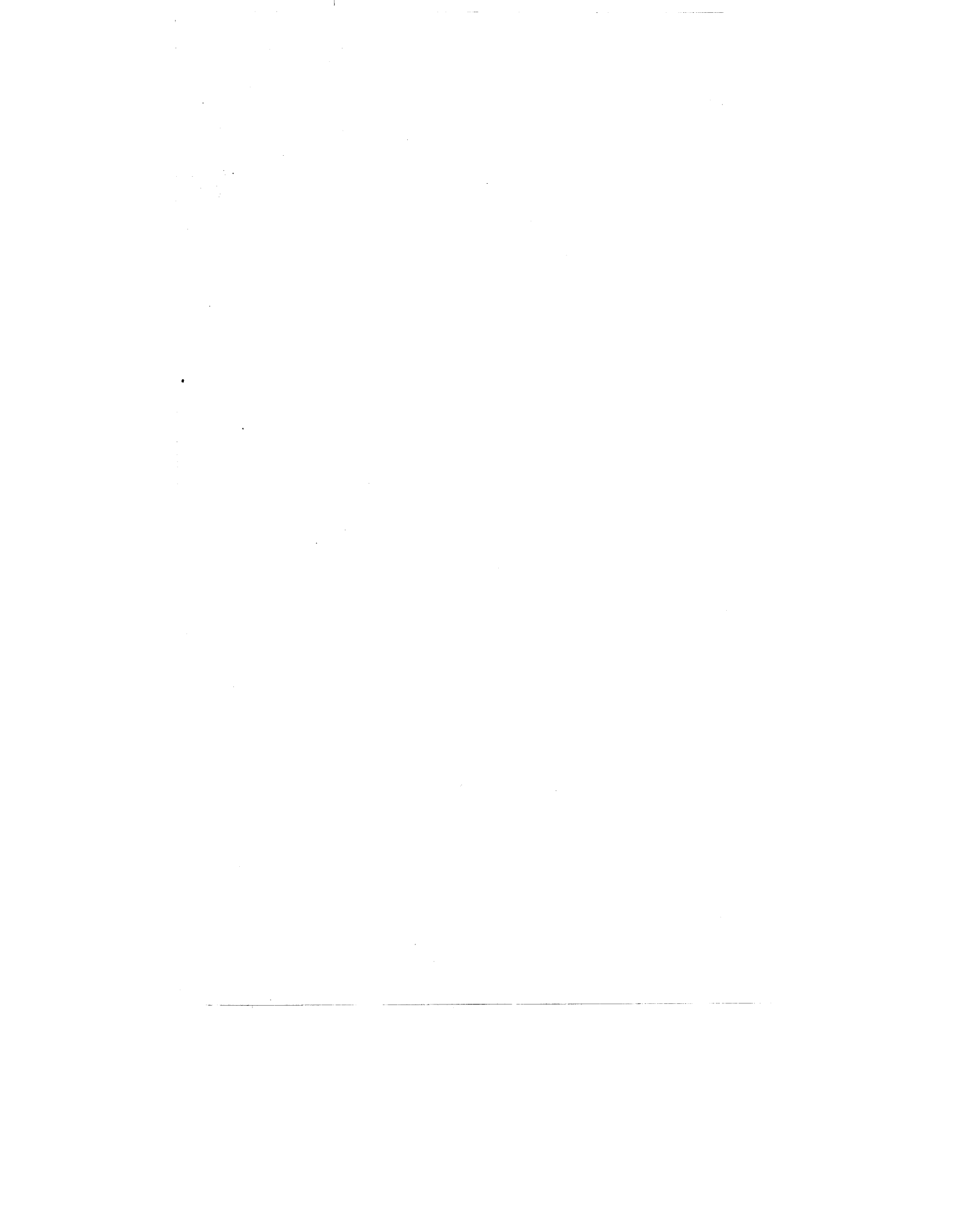
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GENERAL PUBLIC LAWS.

GENERAL PUBLIC ACTS

PASSED BY THE

ONE HUNDRED AND SECOND LEGISLATURE.

CHAPTER I.

A Supplement to "An act concerning disorderly persons," approved April ninth, one thousand eight hundred and seventy-five.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the fees of the justices of the peace and constable or police officer, for arresting and committing disorderly persons, under the provisions of the act to which this is a supplement, shall be twenty-five cents to the justice of the peace, and fifty cents to the constable or police officer making the arrest, and no more. Fees to justice and constable.

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

Approved January 29, 1878.

GEORGE B. McCLELLAN,
Governor.

GEORGE C. LUDLOW,
President of the Senate.

JOHN EGAN,
Speaker of the House of Assembly.

CHAPTER II.

An Act relating to interest on arrears of taxes and assessments in incorporated cities.

Rate of interest
on unpaid
taxes.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the rate of interest on taxes remaining unpaid in any incorporated city of this state, at the period when said taxes are by their several charters declared to be in arrears, shall be ten per centum per annum from the date when said taxes are so declared to be in arrears, and in cases where lands and real estate have been, or may be, sold for non-payment of said taxes, the certificates of said sales shall be redeemable (except as hereinafter stated), upon payment of the amount for which said lands and real estate were or are sold, and interest thereon at the rate of ten per centum per annum from the date of said sale; *provided, however,* that it shall be lawful for the governing bodies of cities, in which the redemption of said certificates is not pledged to commissioners of sinking funds for the payment of bonds issued in anticipation of the collection of such taxes, to fix by resolution the interest on said past due taxes at a rate not less than seven nor more than twelve per cent. per annum, and in lieu of said rate being fixed by resolution of the governing body, the rate shall be ten per cent. as above, and no more.

Proviso.

Rate of interest
on unpaid as-
sessments.

2. *And be it enacted*, That the rate of interest on unpaid assessments for local improvements, in any of the cities of this state, shall be seven per centum per annum from the date when the same are due and payable, in accordance with the provisions of the charters of incorporated cities of this state until the date of sale of the lands and real estate on which said unpaid assessments are a lien, and after such sale the certificates, issued in pursuance of law, shall be redeemable upon payment of the amount for which said property was sold, and interest at the rate of ten per centum per annum from the date of said sale; *provided, however,* that

nothing in this or the preceding section contained, shall ^{Proviso.} 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 such taxes or assessments, and bought by any other person than the city in which said taxes or assessments are laid, or some officer thereof 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 or delayed by anything in this act contained.

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

Approved February 5, 1878.

CHAPTER III.

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

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section one hundred and twenty-eight of the act to which this is a supplement, which section reads as follows: "If any person shall steal of the money or personal goods and chattels of another, under the price or value of twenty dollars, he or she so offending shall be deemed guilty of a misdemeanor, and on conviction of any such offence, shall be punished in the county where the conviction may be had, by fine or imprisonment, or imprisonment at hard labor in the county jail, the fine not to exceed one hundred dollars, nor the term of imprisonment three months; and no person hereafter convicted of larceny under the value of twenty dollars shall be sent to the state prison for such offence," be and the same is hereby amended so as to read as follows: ^{Section to be amended recited.}

Section as amended.

If any person shall steal of the money, goods and chattels of another, under the price or value of twenty dollars, he or she so offending shall be deemed guilty of a misdemeanor, and on conviction of any such offence, shall be punished in the county where the conviction may be had, by fine or imprisonment, or imprisonment at hard labor in the county jail, the fine not to exceed one hundred dollars, nor the term of imprisonment one year; and no person hereafter convicted of larceny, under the value of twenty dollars, shall be sent to the state prison for such offence.

Penalty.

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

Approved February 7, 1878.

CHAPTER IV.

An Act to facilitate the transfer to the United States of the title to the Antietam National Cemetery, in the state of Maryland.

Assent to transfer of title in Antietam national cemetery.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the state of Maryland be and is hereby authorized to convey to the United States all the right, title and interest of the state of New Jersey in and to the land occupied by the Antietam National Cemetery, in the county of Washington, in the said state of Maryland; and if the said state of Maryland shall have already made such transfer of title to the United States, the assent thereto of the state of New Jersey is hereby granted.

Copy of act to be transmitted.

2. *And be it enacted*, That the governor of this state is requested to transmit a copy of this act to the President of the United States, and to the governor of the state of Maryland.

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

Approved February 7, 1878.

CHAPTER V.

An Act to transfer a certain portion of the township of Mannington, in the county of Salem, over to the township of Quinton, in said county of Salem.

1. BE IT ENACTED *by the Senate and General Assembly of* ^{Boundaries.} *the State of New Jersey,* That all that part of the township of Mannington, in the county of Salem, included within the following described boundaries, to wit: Beginning at a large stone, a corner of the city of Salem, townships of Elsinboro, Lower Alloways Creek, Quinton and Mannington, running from thence on the line between the city of Salem and the township of Mannington to the mouth of Keasbey creek; thence up Keasbey creek to the bridge on the Sandy Ridge road, near the residence of the late George V. Mitchell; thence south forty-seven degrees and forty minutes east forty-five chains and eighty links to a stone marked with the letters U. A. C. T. and M. T., on land of Dr. T. Patterson, on the north side of the road leading from the Sandy Ridge road to the Acton Station road and in the line of Quinton and Mannington townships; thence following said line to the beginning, be and the same is hereby transferred and set over from said township of Mannington, and is attached to and made part of the township of Quinton, in the ^{Made part of township of Quinton.} said county of Salem, and subject to all laws, rules and regulations to which said township of Quinton now is or may hereafter be made subject to; and all persons residing within the boundaries of the aforementioned tract of land shall be entitled to all the rights and privileges, and subject to all the duties and obligations of residents of said township of Quinton; and that the boundary line between the city of Salem and said Mannington township and the said township of Quinton shall henceforth be as is hereinbefore set forth and described.

2. *And be it enacted,* That all taxes which have heretofore been assessed in said township of Mannington upon any ^{Taxes, to whom payable.}

lands lying within the boundaries of the tract of land by this act transferred to the township of Quinton, or upon any person residing within said boundaries, shall continue to be payable to and to be collectable by the proper officers of said township of Mannington, and all and every process of law necessary or convenient for the collection of such taxes may be exercised by the proper officers of said township of Mannington who are now authorized to carry on the same.

Lands to be a part of road district number one.

3. *And be it enacted*, That the lands hereinbefore described and set over to said township of Quinton, shall, until otherwise directed by the proper authorities of the last named township, be and form part of road district number one of said township of Quinton, in the county of Salem; and the inhabitants of said lands as set over shall be entitled to all the privileges and rights and subject to all the duties and obligations of inhabitants of said school and road districts.

Officers of Quinton township to have jurisdiction.

4. *And be it enacted*, That the several township officers of the township of Mannington shall (except as is hereinbefore provided) cease to have or exercise any jurisdiction or authority over the lands hereinbefore described and bounded and set over to said township of Quinton, and the township officers of said township of Quinton shall have full jurisdiction and authority over the said lands.

Suits not to be affected by this act.

5. *And be it enacted*, That all actions, suits, appeals, prosecutions or other legal proceedings begun or depending in any court or under any law of this state, shall be in no wise affected by this act, but the same shall and may be prosecuted in the same manner as if this act had not been passed.

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

Approved February 7, 1878.

CHAPTER VI.

An Act to incorporate rifle associations, and for the promotion of marksmanship and the skillful use of firearms among the militia and citizens of this state.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That every association of persons, associated for the encouragement and practice of rifle shooting or kindred sports, be and they hereby are authorized, at any regular meeting of such association, by a majority of votes, to elect by ballot or otherwise, according to the constitution or by-laws of such association, not less than five nor more than fifteen directors of such association; which said association, and such other persons as may be associated with them, upon filing the certificate hereinafter provided for, shall be and constitute a body politic and corporate in law, by whatever name they shall assume, and by such name shall have succession and continuance, and be capable in law of suing and being sued, defending and being defended in all courts and places whatever, and may have and use a common seal and alter and renew the same at pleasure, and by their name as aforesaid and under their common seal make and enter into, execute and enforce any contracts or agreements relating to, touching or concerning the objects of said corporation.

Election of directors.

Mode of incorporation.

2. *And be it enacted*, That said directors of such association, elected as aforesaid, shall certify such corporate name, under their hands, and file such certificate in the office of the clerk of the court of common pleas of the county in which such association shall have held the said meeting, whose duty it shall be to record the same, and for which he shall be entitled to receive twenty-five cents.

Certificate to be filed with clerk of court of common pleas.

3. *And be it enacted*, That the estate and property, of what kind soever the same may be, of such association shall be vested in such association as a corporation, and by its corporate name such association shall be able to purchase, re-

General powers

- ceive, take, hold and convey, for the use and benefit of such association and for the purpose of effecting the objects of its incorporation, any lands, tenements and hereditaments, and any sum or sums of money, rights, securities, goods and chattels, by gift, alienation, devise, bequest, purchase, or otherwise, of any person or persons, bodies politic or corporate; *provided*, that such incorporation shall not at any time hold real property the net income of which shall exceed ten thousand dollars a year.
- Proviso.
- May make by-laws, &c. 4. *And be it enacted*, That incorporations under this act shall be authorized to make, adopt and use, and from time to time alter, amend, or change such general form of a constitution and such by-laws for their government as to them shall seem right and proper; *provided*, that nothing in said constitution or by-laws be repugnant to the constitution or laws of the United States or of this state.
- Proviso.
- Appointment of treasurer. 5. *And be it enacted*, That the director and officers of any such incorporation shall be elected or appointed in such manner, at such times, and in such places, as the said corporation shall by its constitution or by-laws provide; the directors shall appoint a treasurer, who shall have the custody of the funds of the said corporation, and may be required to give bonds for the faithful discharge of the duties of his office, in such sum and with such securities as the directors may determine.
- Object. 6. *And be it enacted*, That the sole and exclusive object of such incorporations under this act shall be the maintenance of rifle ranges, club houses, and places of resort necessary or appropriate to the practice and improvement of their members in rifle shooting and the skillful use of firearms, and the improvement of their members by such other means as may be appropriate to the objects for which they are respectively organized; *provided*, that gambling, betting and the sale or use of intoxicating liquors at, in or about any range, club house or other place of resort, established or maintained by any such association, are hereby absolutely prohibited and forbidden, and that any violation of this provision by any such association, or with its consent and knowledge, or permission or allowance by any of its members, shall be taken and deemed to work a forfeiture of the charter and privileges of incorporation of the association so violating or permitting the violation of this provision; *and provided*
- Proviso.

further, that any member or members of such association Proviso. who shall be expelled therefrom on account of his or their violation of the foregoing provision, shall be held to have forfeited all right, title and interest in and to the privileges, property and franchises of such association, but shall still be held liable for the payment of all arrearages of any dues, fees, assessments or charges, which shall have been previously laid or held against him or them in accordance with the constitution or by-laws of such association.

7. *And be it enacted*, That incorporations under this act Admission fees. may establish and regulate admission fees, annual dues, assessments and other charges against members, and the same shall be collectable by the directors of such incorporations in the same manner as other debts.

8. *And be it enacted*, That any association of persons Provisions to apply on filing a certificate, &c heretofore organized, but not incorporated, for the general purposes, and in the general manner prescribed by this act, shall be deemed and held to be incorporated under this act, to all intents and purposes in law and in fact, upon the directors filing a certificate of the corporate name of such association as required by the second section of this act, and all the right, title and interest of any such association in any property, privileges or franchises, shall be vested in the said body corporate and politic so created, and the directors or other officers heretofore elected or appointed, shall hold their offices for the terms for which they were elected respectively, and until others are elected in their place.

9. *And be it enacted*, That the legislature may at any When to take effect. time alter, modify or repeal this act, and may also annul or repeal the charter of any association incorporated under and by virtue of the provisions of this act; and that the same shall take effect immediately.

Approved February 7, 1878.

CHAPTER VII.

A Supplement to "An act relative to the publication of the laws of this state in the newspapers," approved April twenty-first, eighteen hundred and seventy-six.

When paper not published continuously for two years may be selected to publish laws.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in designating the papers to publish the laws of this state in the newspapers, as required by the act to which this act is a supplement, in each of the counties where it is not otherwise possible to select from the papers representing the two principal political parties, it shall be lawful to designate one paper which has not been published continuously for two years.

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

Approved February 14, 1878.

CHAPTER XII.

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 the second section of the act entitled "An act to authorize the formation of railroad corporations and regulate the same," approved April second, one thousand eight hundred and seventy-three, which is as follows:

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

2. *And be it enacted*, That such articles of association shall not be filed and recorded in the office of the secretary of state until at least two thousand dollars of stock for every mile of railroad proposed to be made, is subscribed thereto and paid, in good faith, and in cash, to the directors named in said articles of association ; nor until the said directors shall have deposited the said moneys so subscribed and paid to them with the treasurer of the state of New Jersey, who shall be the custodian of the same, and shall hold the same subject to be repaid to the directors of the said company, or to the treasurer thereof, in sums of two thousand dollars for each mile of said railroad, upon the construction of which it shall be proved to his satisfaction that the said company have expended at least the sum of two thousand dollars ; nor until there is endorsed on such articles of association, or annexed thereto, an affidavit, made by at least five of the directors named in said articles, that the amount of stock required by this section has been in good faith subscribed, and paid in cash as aforesaid, and that it is intended in good faith to construct or to maintain and operate the road mentioned in such articles of association, which affidavit shall be recorded with the articles of association as aforesaid ; *provided*, that the articles of association heretofore filed in the office of the secretary of state, pursuant to the terms of the act to which this act is amendatory, by any corporation which shall not at the date of the passage of this act have

Section of act
to be amended
recited.

Section as
amended.

When certifi-
cate may be
filed in office of
secretary of
state.

Amount to be
deposited with
state treasurer.

Proviso.

fully completed at least three miles of their proposed railroad, as located and filed in the office of the secretary of state, shall be absolutely null and void, and of no effect whatsoever, and the corporate powers vested in such corporation by the filing of such articles shall become extinct, and such corporation shall become *ipso facto* dissolved, unless such corporation shall, within twenty days after the passage of this act, fully comply with the terms thereof; *provided, nevertheless*, that such corporations organized under the act to which this is amendatory as shall have completed at the date of the passage of this act more than three miles of their said railroad as originally located, shall continue to exist for the sole purpose of maintaining and operating the said completed portion of their said railroad, and of exercising all the powers and franchises necessary to the maintenance and operation thereof, but for no other purpose whatsoever, without complying with the requirements of this act.

Proviso.

2. *And be it enacted*, That the twentieth section of said act which is as follows :

Section to be amended recited.

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

Section as amended.

20. *And be it enacted*, That any corporation incorporated under this act, shall have power to borrow such sum or sums of money, from time to time, not to exceed in the whole

its paid up capital stock, as shall be necessary to build, construct or repair their road, and furnish all necessary engines and other equipments for the uses and objects of said company, and to secure the repayment thereof by the execution, negotiation and sale of any bond or bonds, and secured by mortgage on said lands, privileges, franchises and appurtenances of and belonging to the said company; *provided*, that said company shall not plead any statute or statutes against usury in any court of law or equity in any suit instituted to enforce the payment of any bond or mortgage executed under the provisions of this section; *and provided further*, that said bonds shall constitute a first lien on the railroad, its cars, real estate and franchises, and the proceeds of said bonds shall be used for the purpose of aiding in the construction of said railroad; *and provided further*, that if any person or persons shall issue such bonds to any greater amount, than the amount, at the time of such issue shall have been actually paid up on the capital stock of such railroad, he, she, or they, shall be guilty of a misdemeanor, and shall be punished by a fine of not more than five thousand dollars, or by imprisonment at hard labor not more than three years, or by both, at the discretion of the court.

May borrow money to build, construct and repair road, &c., and issue bonds therefor.

Proviso.

Proviso.

Proviso.

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

Repealer.

Approved February 19, 1878.

CHAPTER XIII.

An Act to extend the time for the completion of railroads.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That any railroad company incorporated by any special act of the legislature of this state, five miles or more of whose railroad has been built and is in operation, the time for the completion of which has expired since the year eighteen hundred and seventy-five, be

Time for completing railroads extended to three years.

and they are hereby authorized and empowered to complete their respective railroads, or any part thereof, within three years from the passage of this act, and to alter or amend the location of such uncompleted portions by filing the surveys of the same in the office of the secretary of state, subject to all the powers and restrictions contained in their several acts of incorporation and the supplements thereto.

Repealer.

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

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

Approved February 20, 1878.

CHAPTER XIV.

An Act to add to the principal of the state school fund the amount which the state fund has become in arrears on the annual appropriation of sixty thousand dollars to be made from the revenue of the state to the income of the school fund.

Preamble.

WHEREAS, owing to large extraordinary appropriations heretofore made by the legislature the treasury has not been in a condition each year to pay over fully to the income of the school fund the annual appropriation of sixty thousand dollars from the revenue of the state, as required by the act of twenty-first of March, eighteen hundred and sixty-seven, and has thereby become in arrears on said appropriation to the amount of one hundred and forty-nine thousand dollars; *and whereas*, the annual appropriation of one hundred thousand dollars to the support of public schools, as required by the act entitled "An act to establish a system of public instruction," passed March twenty-first, eighteen hundred and sixty-seven, has been fully made each year, any deficiency in the part to be paid

from the state revenue having been supplied from the income of the school fund; *and whereas*, the annual income of the school fund is now more than sufficient to meet said annual appropriation of one hundred thousand dollars, without the aid of any permanent appropriation from the state revenue; *and whereas*, it is desirable to render said amount of one hundred and forty-nine thousand dollars now in arrear immediately available to the school fund, and at the same time to relieve the people as far as possible from the weight of heavy and unnecessary taxation; therefore,

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the said sum of one hundred and forty-nine thousand dollars in arrear shall be paid by the state treasurer, in whole or by instalments, and added to the principal of the school fund, so soon as the revenues of the state, aside from a tax upon the people, shall admit of such payment being made, after meeting all the current ordinary expenses of the state; and in the meantime it shall be the duty of the treasurer, and he is hereby required, to pay annually to the income of the school fund the interest on said amount, or so much thereof as shall remain in arrears.

State treasurer
to pay certain
arrears to
the school fund

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

Approved February 20, 1878.

CHAPTER XVII.

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

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That when any company incorporated under the laws of this state, by special act of incorporation, is limited by its charter to a certain amount of

Decrease of
capital stock
authorized.

capital stock, such corporation shall have power to decrease the amount of its capital stock, on filing with the secretary of state the assent, in writing, of stockholders representing two-thirds in value of the existing capital stock, and a certificate setting forth the amount of capital stock as decreased, and published for three weeks in a newspaper circulating in the county in which the place of business of any such company is located, and in default thereof the directors of the company shall be jointly and severally liable for all debts of the company contracted before the filing of the said certificate, and the stockholders shall also be liable for any such sums as they may respectively receive of the amount so reduced; and the certificate of the secretary of state that such assent and certificate have been filed in his office shall be taken and accepted as evidence of such decrease in any court of this state; *provided*, no such reduction of stock shall be construed to effect any reduction of the taxes that may be required to be paid by the special acts respectively incorporating such companies.

Proviso.

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

Approved February 21, 1878.

CHAPTER XVIII.

A Supplement to 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.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section three of an act entitled "An Act for the publication of the law and chancery reports," approved February twenty-eighth, one thousand eight hundred and seventy-seven, which reads as follows:

Section to be amended recited.

"3. *And be it enacted*, That not less than three numbers of said reports shall be necessary to make a volume of re-

ports ; *provided*, that each volume shall contain six hundred pages," be amended so as to read as follows :

3. *And be it enacted*, That not less than two numbers of said reports shall be necessary to make a volume of reports ; *provided*, that each volume shall contain at least six hundred pages. Amendment.
Proviso.

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

Approved February 21, 1878.

CHAPTER XIX.

An Act relative to the attorney general.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be the duty of the attorney general, in addition to the duties already prescribed by law, to appear in court on the part of the state of New Jersey, and conduct all suits or proceedings at law or in equity in any state or federal courts, whether the same be held within the territorial limits of this state or not, in which the state is a party ; and it shall be his duty to take the control and management of all suits or proceedings at law or in equity in which the rights or interests of the state are involved. Attorney general to take control and management of all suits, &c., in which the rights or interests of the state are involved.

2. *And be it enacted*, That the attorney general shall be paid for such services such sums as the court or judge before whom he shall appear in any of the matters aforesaid shall fix and certify, if the said court or judge be sitting within the territorial limits of or hearing the matter under the authority of the laws of this state, and it shall be the duty of the said court or judge to fix and certify the same ; and whenever such services shall have been rendered in the supreme court of the United States, or in any federal or state court not sitting within the territorial limits of this state, then the said sums shall be fixed and certified by the Compensation, how fixed.

governor, and the comptroller shall draw his warrant upon the treasurer for the sum or sums so certified.

Annual report to be made and docket to be kept.

3. *And be it enacted*, That it shall be the duty of the attorney general to make an annual report on the first day of November, in each year, to the governor, stating the condition of any and all suits in which the state is a party or in which it is interested, and also any claim of the state to which, in his opinion, it is proper to call the attention of the governor or legislature; and also to keep a docket of all civil suits in which the state is interested, and on the expiration of his term of office the same shall be handed over to his successor in office, and in all cases when the attorney general's name shall be used in any suit or proceedings as a party, or when the name shall be used as attorney for the state or any branch of the state government, on a change in the office, the name of the attorney general for the time being shall be substituted at once without order, and his name shall be used, and all notices to or by him shall be lawful and proper.

The name of the attorney general for the time being to be substituted without order.

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

Approved February 21, 1878.

CHAPTER XXIII.

An Act to repeal all acts appointing or providing for the appointment of commissions or commissioners by the senate and general assembly, in joint meeting, to regulate municipal affairs and ending the term of office of any such commissions or commissioners.

Repealer.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That such parts of all public, general, private, special or local laws as appoint or provide for the appointment of commissions or commissioners or their successors in office by the senate and general assembly

of the legislature, in joint meeting, to regulate all or any municipal affairs in any municipality in this state, be and the same are hereby repealed.

2. *And be it enacted*, That the term of office of all com-^{Term of office to end and determine.} missions and commissioners, heretofore appointed by the senate and general assembly of the legislature, in joint meeting, to regulate all or any municipal affairs in any municipality in this state, (if any now exist, and any term of office of such is not already ended and determined), shall forthwith end and determine.

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

Approved February 26, 1878.

CHAPTER XXIV.

A Supplement to the act entitled "An act relative to corporations."

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That any corporation which now is, or hereafter shall be, in the hands of receivers, or of a receiver, by virtue of proceedings in the court of chancery, may, whenever such corporation shall be reorganizing or arranging its property and debts to resume the management and control of its property and business, with the consent of the court of chancery, mortgage its property and franchises for such amount as may be necessary, at a rate of interest not exceeding the rate of interest secured by any pre-existing mortgage of real estate, made by such corporation.

May mortgage property and franchises for amount necessary for the reorganizing and resuming control of property, &c.

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

Approved February 26, 1878.

CHAPTER XXVI.

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

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the first section of the act to which this is a supplement, and which reads as follows: "That no person or corporation shall upon any contract, take directly or indirectly, for the loan of any money, wares, merchandise, goods or chattels, above the value of seven dollars for the forbearance of one hundred dollars for a year, and after that rate for a greater or less sum for a longer or shorter time," be and the same is hereby amended so as to read as follows: That no person or corporation shall upon contract, take directly or indirectly, for loan of any money, wares, merchandise, goods and chattels, above the value of six dollars for the forbearance of one hundred dollars, for a year and after that rate for a greater or less sum, or for longer or shorter time.
2. *And be it enacted*, That so much of the first section of the act to which this is a supplement, as is inconsistent with this supplement, be and it is hereby repealed.
- Approved February 26, 1878.

Section to be amended recited.

Amendment.

Interest to be at the rate of six per cent. per annum.

Repealer.

CHAPTER XXVII.

An Act permitting townships in this state, whose time of elections are fixed by special acts, to alter said times of holding their township elections.

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 township in this state, whose township elections are now held by any special act of the legislature of this state, to change the time of said elections by and with the consent and direction of the township committee of said township, to the second Tuesday in March or the second Tuesday in April, instead of the time directed in said special act; said elections to be held in all other respects under the law now applicable to elections directed by said act; and the township committee of any such township may by resolution provide for such change of time of holding the township election in accordance with the provisions of this act; *provided*, that at least five days notice of the adoption of the resolution providing for such change shall be given in at least one newspaper circulating in the township, and that such notice be posted in ten public places of any such township for a like period.

Township committee authorized to change the time of holding election.

Proviso.

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

Approved February 26, 1878.

CHAPTER XXX.

A Supplement to the act entitled "An act to incorporate fire departments;" approved March eighth, one thousand eight hundred and seventy-seven.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section seven of the act entitled "An act to incorporate fire departments," which reads as follows :

Section to be amended recited.

" *And be it enacted*, That the said representatives shall choose on the third Monday of December in every year by ballot, out of the whole body of firemen and such as have served the term prescribed by law to entitle them to an exemption from further fire, jury or military duty in time of peace, the officers hereinafter named, to wit : a president and vice president, three trustees, a treasurer, secretary and collector ; that said trustees shall be classed into three classes ; the first class shall go out of office the first year, the second class shall go out of office the second year, and the third class shall go out of office the third year after their election, respectively ; that the trustees shall manage the affairs and dispose of the funds of the corporation according to the by-laws, rules and regulations of said corporation from time to time made and established by the said representatives ; that the said trustees shall choose a president, who shall convene them when he may think proper, at least twice in each year ; that the treasurer and collector shall give security to the trustees for the faithful performance of their trust ; that the treasurer shall at every annual meeting of the representatives render to them an account of the funds ; that the representatives shall at any meeting have a right to inquire into and control the application of the funds of such corporation and to displace any of the trustees and officers, if judged by them to be guilty of misconduct, and elect others in their place ; that a majority of said representatives, and also of said trustees, shall, respectively, be a quorum to do business ;

that in case a vacancy shall occur in the office of representative, such vacancy shall be filled by the company to which he belongs, for the remainder of the year, by a special election, to be held for that purpose ; and that in case of vacancy in the office of president, vice president, treasurer, secretary, collector or any of the said trustees, such vacancy shall be filled by the representatives for the remainder of the year, by a special election to be held for that purpose ;" shall be amended so as to read as follows :

And be it enacted, That the said representatives shall choose by ballot, immediately upon the passage of this act, out of the whole body of firemen, and such as have served the term prescribed by law to entitle them to an exemption from further fire, jury or military duty in time of peace, the officers hereinafter named, to wit : a president and vice president, either three or nine trustees, as the said representatives by ballot may determine, a treasurer, secretary and collector ; that said trustees shall be classed into three classes, the first class shall go out of office the third Monday in December next ensuing, the second class shall go out of office a year from the last mentioned date, and the third class shall go out of office two years from said last mentioned date ; and that hereafter there shall be elected, by ballot, on the third Monday in December of each and every year, by said representatives, trustees to take the place of the class whose time of office has expired ; that the trustees shall manage the affairs and dispose of the funds of the corporation according to the by-laws, rules and regulations of said corporation, from time to time made and established by the said representatives ; that the said trustees shall choose a president, who shall convene them when he may think proper, at least twice in each year ; that the treasurer and collector shall give security to the trustees for the faithful performance of their trust ; that the treasurer shall, at every annual meeting of the representatives, render to them an account of the funds ; that the representatives shall at any meeting have a right to inquire into and control the application of the funds of such corporation, and displace any of the trustees and officers if judged by them to be guilty of misconduct, and elect others in their place ; that a majority of said representatives and also of said trustees shall, respectively, be a quorum to do business ; that in case a vacancy shall

Section as amended.

Election of trustees and officers.

Time of holding annual election.

Treasurer and collector to give security, &c.

Quorum.

Vacancies,
how filled.

occur in the office of representative, such vacancy shall be filled by the company to which he belongs for the remainder of the year, by a special election to be held for that purpose; and that in case of vacancy in the office of president, vice president, treasurer, secretary, collector or any of the said trustees, such vacancy shall be filled by the representatives for the remainder of the year by a special election to be held for the purpose.

Approved February 28, 1878.

CHAPTER XXXI.

A Further Supplement to an act entitled "An act for the better enforcement in Maurice river cove and Delaware bay of the act entitled 'An act for the preservation of clams and oysters,' " approved April fourteenth, eighteen hundred and forty-six, and of the supplements thereto.

Names of the
board of direc-
tors.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Robert T. Lore, of the city of Camden; Edgar Brown, of the city of Bridgeton; Francis L. Godfrey, of the city of Millville; James Whiticar, Ephraim Mulford, Peter Cambas, William B. Pepper, Thomas Hand, Butler Newcomb, William B. Fowler, John B. Goff and Daniel T. Howell, all residents of this state, be and the same are hereby constituted a board of direction of the oyster fund of Maurice river cove, whose duties and powers are hereinafter defined.

Board of direc-
tors empower-
ed to appoint a
special officer
and collector.

2. *And be it enacted*, That said board of direction shall be and they are hereby empowered to appoint a special officer and collector to succeed the present incumbents of said offices, whose terms of office shall, respectively, begin upon the first Tuesday of March, eighteen hundred and seventy-eight, and shall continue at the pleasure of said board of direction, and said board shall have power at any time to remove either of said officers and appoint others

instead, and to fix the compensation for each officer; the said board of direction shall have full power and authority to superintend the expenditure of any moneys, parcel of the said oyster fund, and at all reasonable hours and times to inspect the books, vouchers and papers of every kind kept, or in the possession of the said collector or special officer above mentioned, to audit the accounts of said officers or either of them, and it is hereby made the duty of the said collector and special officer, to produce for the examination of the said board upon the call thereof, his and their books, vouchers, and other paper writings touching the administration of the offices of said collector and special officer; and it shall be unlawful after the passage of this act for the collector or special officer to pay out any moneys received by them or either of them, except upon bills or vouchers approved in writing by the president of the board of direction aforesaid.

Money to be paid out only on proper vouchers approved by the president of the board.

3. *And be it enacted*, That the persons above named shall meet on the first Tuesday of March, eighteen hundred and seventy-eight, at the hour of one P. M., at the village of Port Norris, in the county of Cumberland, and organize, by choosing from among the persons above named by a majority of the votes of the persons aforesaid present and voting, a president of said board of direction and a secretary thereof, who shall hold their offices for one year, and that annually thereafter the said board of direction, or those who shall legally succeed them, shall in like manner meet and organize.

Time of holding the first election.

Election to be held annually.

4. *And be it enacted*, That the persons above named shall constitute the board of direction aforesaid until the first Tuesday of February, eighteen hundred and eighty, and until their successors enter upon the duties of their office as hereinafter provided, on which day of ten o'clock in the forenoon, and every two years thereafter, all persons lawfully holding, using or occupying a lot of ground for growing oysters, and in any way directly engaged in the business of planting and growing oysters in Maurice river cove, shall and may meet respectively at the cities of Camden, Bridgeton and Millville, and the villages of Fairton, Cedarville, Newport, Dividing Creek, Port Norris, Maurice-town, Dorchester, Hieslerville and West Creek, and by ballot, by a majority of the votes at each of the before men-

The board to hold office until their successors enter upon their duties, &c.

Places of meeting.

tioned places elect one person, who shall be a member of the board of direction for two years from and after the first Tuesday of March next ensuing; and the persons so first elected shall, on the first Tuesday of March then next ensuing, succeed the persons hereinbefore mentioned with the powers and duties herein specified.

Election to be by ballot.

5. *And be it enacted*, That the election provided for in section four of this act shall be by ballot, and shall be conducted by three judges, who shall be chosen before such election is begun by a majority of the persons present and entitled to vote at such election, and the said judges, after being chosen as aforesaid, shall choose a clerk of election; each of said officers shall, before entering upon the performance of their duties, respectively take an oath or affirmation, in writing, before any officer duly authorized to administer an oath, faithfully and impartially to discharge the duties of their respective offices.

Elective officers to subscribe an oath or affirmation.

Vacancies, how filled.

6. *And be it enacted*, That the said board of direction shall have authority at any time to fill vacancies occurring in the said board by death, resignation or otherwise; and that no person not legally qualified to vote at any election for members of said board of direction, shall be eligible to election as a member of said board.

Who eligible.

Duty of any special officer and any collector upon removal or resignation from office.

7. *And be it enacted*, That any special officer and any collector, appointed pursuant to this act shall, upon removal or resignation from office, pay over unto the collector of the oyster fund that shall then be in office, or to the one that shall be next appointed, all moneys remaining in the hands of them or either of them, and shall in like manner turn over unto said collector all books, vouchers, records or paper writings used by them or either of them in the execution of their respective offices as such collector or special officer.

Special officer of the oyster fund to take oath before entering upon the duties of his office.

8. *And be it enacted*, That any special officer of the oyster fund appointed after the passage of this act, before entering upon the duties of his said office, shall enter into bond to the county collector of the county of Cumberland, with two responsible freehold securities, in the penal sum of two thousand dollars, conditioned upon the faithful performance of the duties of his said office.

9. *And be it enacted*, That the board of direction aforesaid shall have authority and they are hereby empowered, by a resolution in writing, passed at their meeting in March

of each and every year, to fix, for the term of one year, the amount per ton of the tax to be assessed and levied upon vessels, pursuant to the act to which this is a further supplement and the supplements thereto. Board to fix amount per ton to be taxed and levied upon vessels each year.

10. *And be it enacted*, That seven members of the board of direction hereinbefore named, or hereafter to be chosen, shall constitute a quorum for the transaction of business. Quorum.

11. *And be it enacted*, That it shall be unlawful for any person or persons to catch oysters from any of the natural beds in Delaware bay north of a line bearing southwest from the mouth of Sow and Pigs creek, in the county of Cumberland, from the last day of June in each year to the first day of April in the succeeding year, and no oysters shall be caught south of said line for the purpose of planting at any season of the year; and any person or persons so offending, shall, for every such offence, forfeit and pay a fine of one hundred dollars, and the boat or vessel so violating shall be liable to seizure by the special officer provided for in an act to which this act is a supplement, and such boat or vessel shall be liable for the payment of such fines and forfeitures, and the moneys arising therefrom shall be paid to the collector of the oyster fund, provided for in an act to which this is a supplement; the said line and bearing as herein stated, shall be marked out by the said special officer, by monuments upon the shore, or in such manner as the said board of direction may order. When it shall be unlawful to catch oysters from any of the natural beds. Penalty for so offending.

12. *And be it enacted*, That section nine of the act to which this is a further supplement, and section five of the supplement to said act, approved February eighteen, eighteen hundred and seventy-five, and generally all acts or parts of acts inconsistent with this act, be and the same are hereby repealed, and that this act shall be deemed a public act and shall take effect immediately. Repealer.

Approved February 28, 1878.

CHAPTER XXXII.

An Act authorizing the receipt in instalments of certain taxes in cities.

Authorized to receive taxes in instalments of not less than one-fourth of the whole amount and interest.

Proviso.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the persons authorized by the charters of the several cities of this state to collect and receive taxes for state, county and municipal purposes, are hereby authorized and empowered to receive the same in instalments of not less than one-fourth of the whole amount of the taxes, and interest thereon remaining unpaid, at any time before the sale of the lands and real estate upon which said taxes are a lien, and in case of sale of lands and real estate for delinquent taxes which have been partially paid under the provisions of this act, the amount for which said lands and real estate shall be sold shall be the amount of said taxes then remaining unpaid, with such addition for interest as shall be fixed by law, together with the costs of advertising and auctioneer's fees; *provided, however*, that nothing in this act contained shall authorize the receipt under its provisions of any such instalment of taxes in cases where the lands and real estate on which said taxes are a lien, have been or shall be sold for non-payment thereof, nor shall any lien upon real estate be released or affected, nor shall any sale of real estate for taxes be stayed or delayed by anything in this act contained.

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

Approved February 28, 1878.

CHAPTER XXXIII.

A Supplement to the act entitled "An act to regulate elections," approved April eighteenth, A. D. eighteen hundred and seventy six.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That if in the judgment of a majority of the township committee it shall be necessary for the convenience of the voters in any township in this state to change the existing boundary lines of any existing election district in such township, the township committee may and shall have full power to so change the boundary lines of such district as to them shall seem best for the convenience of the voters of any such township as aforesaid; *provided* that no district shall be so formed as to contain more than six hundred voters; *and provided further*, that such change shall be made before the first day of August next; and it shall be the duty of any township committee making any such change as aforesaid, to forthwith file a description of the boundary lines of any district that shall be changed, one copy in the county clerk's office and one copy in the township clerk's office.

Township committee may change boundary line of any existing election district.

Proviso.

Proviso.

2. *And be it enacted*, That if any change shall be made in any township as provided for in the first section of this act, the township committee of such township is hereby required to appoint two inspectors and one judge of election, and one clerk of election for each of said districts so set off, who shall be residents of the election districts in which they are appointed to act, and who shall serve until their successors are elected; and the said inspectors so to be appointed shall not belong to the same political party, but the clerk of each township shall act as clerk of election in the district in which he resides; and said township committee shall select the place where the first election shall be held in each district after the passage of this act.

Appointment of election officers when change of election district is made.

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

Approved February 28, 1878.

CHAPTER XXXIV.

A Supplement to an act entitled "An act to reapportion the several assembly districts of the state of New Jersey," approved March twenty-second, eighteen hundred and seventy-one.

Section to be amended recited.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section ten (10) of "An act to reapportion the several assembly districts of the state of New Jersey," approved March twenty-second, eighteen hundred and seventy-one, which reads as follows :

"That the county of Monmouth shall constitute three districts, the first to be composed of the townships of Upper Freehold, Millstone, Manalapan, Freehold and Howell; the second district to be composed of the townships of Holmdel, Marlboro, Atlantic, Wall and Ocean; the third district to be composed of the townships of Shrewsbury, Middletown, Matawan and Raritan," be and the same is hereby amended so as to read as follows :

Section as amended.

Assembly districts.

10. *And be it enacted*, That the county of Monmouth shall constitute three assembly districts to be composed as follows : The first to be composed of the townships of Upper Freehold, Millstone, Manalapan, Freehold and Howell; the second district to be composed of the townships of Marlboro, Atlantic, Wall, Ocean and Eatontown; the third district to be composed of the the townships of Shrewsbury, Middletown, Matawan, Raritan and Holmdel.

Approved March 4, 1878.

CHAPTER XXXV.

A Supplement to an act entitled "An act to establish a system of public instruction" (revision), approved March twenty-seventh, eighteen hundred and seventy-four.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the seventy-third section of the act to which this is a supplement, and which is in the following language :

"73. It shall be the duty of the trustees of the school fund of this state, on or before the first Monday of April in every year, to appropriate out of the annual income for the support of the public schools the sum of forty thousand dollars; and if the annual income of said fund shall not have been received in full, or shall be insufficient for that purpose, then the said trustees are hereby authorized and empowered to draw for any sum necessary to make up the deficiency, by warrant, signed by the comptroller, upon the treasurer of the state, who is directed to pay the same; which sum so drawn from the treasury aforesaid shall be replaced by the annual income of said school fund as soon as the same shall be received," shall be and is hereby amended so as to read as follows :

That it shall be the duty of the trustees of the school fund of this state, on or before the first Monday of April of every year, to appropriate out of the annual income of the fund for the support of public schools the sum of one hundred thousand dollars; and if the annual income of said fund shall not have been received in full, or shall be insufficient for that purpose, then the said trustees are hereby authorized and empowered to draw for any sum necessary to make up the deficiency, by warrant, signed by the comptroller, upon the treasurer of the state, who is directed to pay the same; which sum so drawn from the treasury aforesaid shall be replaced from the annual income of said school fund so soon as the same shall be received.

Section to be amended recited.

Section as amended.

Annual appropriations from school fund.

Deficiency how provided for.

2. *And be it enacted*, That the seventy-fourth section of the act to which this is a supplement, which is in the following language :

Section to be repealed recited.

"74. From the revenue of the state the sum of sixty thousand dollars per annum shall be appropriated, in addition to the sum of forty thousand dollars from the annual income of the school fund, as mentioned in the preceding section of this act," be and the same is hereby repealed.

Repealer.

Act to have immediate effect.

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

Approved March 4, 1878.

CHAPTER XXXVIII.

A further act concerning cities.

Number of councilmen to be elected in certain cities.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the common council of any city of less than ten thousand inhabitants, and divided into not less than two or more than three wards, which may now by law consist of twelve members, shall hereafter consist of thirteen members, who shall be elected, an equal number from each ward and one member at large from such city, at the next annual city election therein held, after the passage of this act; the member at large shall be an elector and resident of such city, and shall hold his office for the term of two years, and at the expiration thereof and every two years thereafter a member at large shall be so elected; the members so elected from each ward shall be electors and residents of their respective wards, and shall, at the first meeting of said common council after their election, divide themselves into two classes, by lot, the first class to hold their offices for the term of one year, and the second class to hold their offices for the term of two years, so that three members of common council from each ward, or two members

Term of office.

Members shall divide themselves into classes.

from each ward, in case there may be two wards or three wards, shall be chosen at each and every annual city election thereafter.

2. *And be it enacted*, That in case of any vacancy in said common council, caused by the death or resignation, inability, disqualification, neglect or refusal to act, or removal out of the city or ward, if elected from such ward, of any member of common council, it shall be the duty of the common council, at their first meeting thereafter, to declare such vacancy, and then and there immediately to appoint a day upon which an election shall be held to fill such vacancy for the unexpired term of the member whose office shall so have been declared vacant; the same notice of such election shall be given, and the same shall be conducted by the officers, in the manner and at the places prescribed by law of and for holding and conducting the annual city elections in such city or ward, as the case may be; *provided*, that if any such vacancy may occur within six months previous to the then next annual city election, such vacancy shall be filled at such annual city election.

3. *And be it enacted*, That at all annual and special elections held as aforesaid in any such city, the polls shall open at seven o'clock in the morning, and shall close at seven o'clock in the evening.

4. *And be it enacted*, That all acts or parts of acts, and all and any provisions contained in the charter, or the supplements thereto, of any such city, inconsistent with the provisions of this act, be and the same are hereby repealed.

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

Approved March 4, 1878.

CHAPTER XXXIX.

An Act to amend an act entitled "An act in relation to cities incorporated within the limits of townships but not set off therefrom," approved March first, one thousand eight hundred and seventy-seven.

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 in relation to cities incorporated within the limits of townships but not set off therefrom," approved March first, one thousand eight hundred and seventy-seven, which reads as follows :

Section to be amended recited.

"1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all cities in this state incorporated within the limits of townships but not set off therefrom by territorial boundaries, and which by their charters are exempt from assessment of taxes for township purposes, be and they are hereby declared separate and distinct from the township in which they are situated," be amended to read as follows :

Amendment.

Certain cities declared separate and distinct from townships.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all cities in this state incorporated within the limits of townships, but set off therefrom by territorial boundaries, and which by their charters are exempt from assessment of taxes for township purposes, be and they are hereby declared separate and distinct from the township in which they are situated; *provided*, that all cities embraced by the terms of this act, containing over fifteen hundred inhabitants, shall in addition to the officers provided for in their charters be entitled to and shall elect, at their regular charter election, a chosen freeholder to represent said city in the board of chosen freeholders in the county in which said city is situated, the said chosen freeholder to hold his office for the term of one year and to be entitled to all the rights and privileges belonging to the members of said board of chosen freeholders.

Proviso.

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

Approved March 4, 1878.

CHAPTER XL.

An Act to provide for sewerage and drainage by incorporated camp meeting associations or seaside resorts.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That when it becomes necessary in the opinion of the board of trustees, directors, commissioners or other corporate authorities of any incorporated camp meeting association or seaside resort to provide a system of sewerage and drainage for such corporation or any part thereof, it shall be the duty of such board of trustees, directors, commissioners or other corporate authorities to devise and form or caused to be devised and formed a plan for sewerage and drainage for the whole of the premises of such corporation, or such part thereof as may be designated by them; *provided*, the consent in writing of the majority of the lot owners on the line of the proposed improvement be first obtained, said owners to have one vote for each lot owned by them.
2. *And be it enacted*, That the plan so devised shall be formed with the view of the division of the corporation into one or more sewer districts as may be necessary for securing efficient drainage and sewerage and consist of one or more main or principal sewers, with the necessary branches or connections, the main or principal sewers having their out outlet in the ocean or other proper place, and where the corporation is divided into districts the assessments hereinafter provided for shall be by districts.
3. *And be it enacted*, That such board or a committee thereof to be appointed by such board shall also have plans and specifications prepared for the construction of the proposed sewers, showing the size, location and inclination thereof, and the depth of the same below the surface, and such board, or committee when authorized by such board, may appoint an engineer, who shall be under their direction, and such other employees as they may deem necessary in the con-

Corporate authorities to cause to be devised and formed a plan for sewerage and drainage.

Proviso.

Out outlet of main or principal sewer to be in the ocean.

Plans and specifications to be prepared.

Board may appoint an engineer, &c.

struction of said sewer, and whose compensation shall be fixed by said board or committee.

Estimate of cost and expenses to be made.

4. *And be it enacted*, That after the plan of sewerage for the corporation has been approved by the board, an estimate shall be made by said board or a committee thereof of the cost and expenses of constructing the work according to such plan, including materials for the same and work and materials for the outlet thereof, specifying what portion of the same will be required for main sewerage and what portion for local sewerage for any lots and lands to which any portion of such main sewer may serve as local sewer, and thereupon said board shall cause such sewer or sewers and the outlets thereof specified in the plans as may be designated by the board to be constructed, and said board shall specify the streets, highways, public landings or places to be sewered and drained, in such manner that an examination or survey will show what lot or lots bound or abut on the same, and the number of feet front of each lot.

Cost and expenses to be assessed on lands benefited.

5. *And be it enacted*, That the cost and expenses of constructing the main and local sewers and the outlets thereof shall be assessed by said board, or a committee thereof duly authorized by them, upon the lands and real estate benefited thereby, in proportion to the benefits received, and not in excess thereof, and in such manner as to be fair and equitable.

Shall make map of location and boundaries and designate lot of land on map, the amount assessed, &c.

6. *And be it enacted*, That when said board or committee shall have completed said assessment, they shall cause a map to be made showing the location and boundaries of each lot so assessed, and shall designate on each lot of land upon said map the amount assessed against the same with the owners' names, so far as they may be known to said board or committee, and they shall make and annex to said map a certificate showing the whole amount of said assessment, with the amount assessed against each lot, and the names of the owners set opposite thereto if known, as aforesaid, whereupon the said board or committee shall give three months' previous notice in a newspaper published and circulating in the county where said lands are situate, and by notice posted in three of the most public places along the line of said improvement, and by thirty days' notice, in writing, to each of said owners, personally served or through the postoffice mailed to their last known place of residence, that they will meet at a convenient time and place, to be

Notice of meeting to hear objections to assessments to be given.

named in said notice, to hear and consider all objections to said assessments, and to revise, correct and finally confirm the same, and at the time and place appointed all parties interested shall have an opportunity of examining the same and stating their objections thereto; and said board or committee, for the purpose of giving all parties an opportunity of being fully and fairly heard, shall, if necessary, adjourn from time to time, and the judgment of said board or committee shall be final and conclusive upon all parties.

7. *And be it enacted.* That all assessments made under the provisions of this act, with all interest to accrue thereon, and all costs and expenses of collection, shall be and remain liens on the lots or lands assessed, and may be collected in such manner as said board may determine against the owners personally or by enforcement of the lien upon the property subject thereto, after sixty days' notice in writing given to such owner of said assessment, either by personal service or through the postoffice, directed to the last known residence of such owner; and failure to pay the same, and if against said owner personally, by suit at law as in other cases of debt, and judgment thereon and sale under the execution issued thereon, of said lots or lands, or of any interest of said owner therein, and if by enforcement of the lien, it shall be lawful for said board to cause such lots or parcels of land, or the interest of such owners therein, to be sold at public auction for the shortest term for which any person will agree to take the same and pay such assessment or the balance thereof remaining unpaid, with the interest thereon and all costs, charges and expenses, and to execute a declaration of such sale and deliver the same to the purchaser; and such purchaser, his executors, administrators and assigns, shall, by virtue thereof, lawfully hold and enjoy the said lands and tenements for his and their proper use against the owner or owners thereof until his term shall become complete and ended, subject to any conditions or reservations contained in the deed or lease under which said owner claims, and subject to redemption by the owner or any person interested therein; and before such sale the said board shall give three months' notice of the time and place thereof in one or more newspapers published in the county in which the lands are situate; and the owner or any person interested in said lands and tenements so sold may redeem

Assessments,
costs and ex-
penses to be a
lien.

Proceedings in
case of sale by
enforcement of
lien.

the same at any time within three years from said sale, upon payment of said assessment, with interest and costs and all charges thereon.

Assessment,
how levied and
collected for
connections.

8. *And be it enacted*, That said board may provide for the construction of proper house and privy connections and branches leading into all main or branch sewers, and for the assessment of the costs and expenses thereof upon the lots or parcels of land for the accommodation of which such connections and branches may be constructed, to be levied and collected in manner aforesaid, and may require parties owning houses to make such connections under such regulations as may be prescribed by said board.

May provide
for repair of
any sewer, &c.

9. *And be it enacted*, That the said board may, whenever it is deemed necessary, provide for the repair or construction of any sewer main or lateral; and the proceedings for that purpose shall be the same, so far as applicable, as are herein required for the original construction thereof.

General powers
of the board.

10. *And be it enacted*, That whenever any cesspool, drain, privy, water closet or accumulation of water or sewerage matter shall be in the judgment of said board, or a committee thereof duly authorized for that purpose, prejudicial or injurious to the public health, or likely to become so, they shall have power to direct the owner or owners thereof, or the occupant or occupants of the premises on which the same is located, or to which it belongs, by notice in writing, to drain or empty the same, and to make such other alterations and improvements as in their judgment may be necessary or expedient for sanitary purposes; and in case of the neglect or refusal of such owner or owners or occupant or occupants to comply with such directions within a reasonable time to be prescribed in such notice (not less than three days), then the said board or committee shall have power to cause such draining or emptying to be done, and such alterations and improvements to be made, and assess the cost thereof and all expenses attendant thereon on the lands on which such cesspool, drain, privy, watercloset or accumulation of water or sewerage matter is located, or to which they belong, and shall also have power to fine said owner or owners and said occupant or occupants notified as aforesaid, not exceeding ten dollars each for refusing or neglecting to comply with the requirements of said notice, and said cost and expenses and the fine or fines imposed

upon any owner or owners shall be a lien upon said lands, the payment of which may be enforced by suit at law and sale of the same, or of any interest of said owner therein, under execution issued upon any judgment obtained against said owner or owners, and fines imposed upon said occupant or occupants other than an owner may be enforced by levying upon their personal property in the manner prescribed by law for the collection of fines or debts due.

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

Approved March 5, 1878.

CHAPTER XLI.

A Supplement to an act entitled "An act to reapportion the several assembly districts of the state of New Jersey," approved March twenty-second, one thousand eight hundred and seventy-one.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section twenty-one (21) of "An act to reapportion the several assembly districts of the state of New Jersey," approved March twenty-second, one thousand eight hundred and seventy-one, which reads as follows:

"21. *And be it enacted*, That the county of Hudson shall constitute eight districts, to be composed as follows:

The First District: Beginning at the centre of the Hudson river, where it is intersected by the centre line of Wayne street continued; thence westerly along said centre line of Wayne street to the centre line of Railroad avenue; thence westerly along the centre line of Railroad avenue to the centre line of Newark avenue; thence along said centre line of Newark avenue westerly to the centre line of Barrow street; thence southerly along the centre line of Barrow street to the end thereof, at its junction with the centre line

of Woolsey street; thence southerly along the centre line of Woolsey street and in continuation thereof to the southerly boundary of Jersey City; thence easterly along said southerly boundary to the centre of the Hudson river; thence northerly along the centre of the Hudson river to the place of beginning.

Recital continued.

The Second District: Beginning at the centre of the Hudson river, where it is intersected by the centre line of Wayne street continued; thence westerly along said centre line of Wayne street to the centre line of Railroad avenue; thence along the centre line of Railroad avenue westerly to the centre line of Prospect street; thence northerly along the centre line of Prospect street to the centre line of Pavonia avenue; thence westerly along the centre line of Pavonia avenue and along the centre line of Hamilton square, and continuing along the centre line of Pavonia avenue to the centre line of Brunswick street; thence southerly along the centre line of Brunswick street to the centre line of Newark avenue; thence easterly along the centre line of Newark avenue to the centre line of Monmouth street; thence southerly along the centre line of Monmouth street to the centre line of Putnam street; thence southerly along the centre line of Putnam street to the centre line of the Morris canal; thence westerly along the centre line of the Morris canal to the centre line of Communipaw avenue; thence westerly along the centre of Communipaw avenue to the centre line of Palisade avenue; thence northerly along the centre line of Palisade avenue to the centre line of Mill road, or Cornelison avenue; thence northerly along the centre line of Mill road, or Cornelison avenue, to the New Jersey railroad; thence northerly across the New Jersey railroad to the end of the centre line of Waldo avenue; thence northerly along the centre line of Waldo avenue to the centre line of Newark avenue; thence northwesterly along the centre line of Newark avenue to the centre line of Palisade avenue; thence northerly along the centre line of Palisade avenue to the centre line of St. Paul's avenue; thence easterly in continuation of the centre line of St. Paul's avenue to the centre line of Hoboken avenue; thence north-easterly along the centre line of Hoboken avenue to the boundary line of the city of Hoboken; thence along said boundary line to the centre line of the Hudson river;

thence southerly along the centre line of Hudson river to the place of beginning.

The Third District: Beginning at the intersection of the centre lines of Newark avenue and Prospect street; thence northerly along the centre line of Prospect street to the centre line of Pavonia avenue; thence westerly along the centre line of Pavonia avenue, the centre line of Hamilton square, and continuing along the centre line of Pavonia avenue to the centre line of Brunswick street; thence southerly along the centre line of Brunswick street to the centre line of Newark avenue; thence easterly along the centre line of Newark avenue to the centre line of Monmouth street; thence southerly along to the centre line of Monmouth street to the centre line of Putnam street; thence southerly along the centre line of Putnam street to the centre line of Railroad avenue; thence easterly along the centre line of Railroad avenue to the centre line of Barrow street; thence northerly along the centre line of Barrow street to the centre line of Newark avenue; thence easterly along the centre line of Newark avenue to the place of beginning.

The Fourth District: Beginning at the point where the centre line of the New Jersey Railroad intersects the westerly boundary of Jersey City, and running thence easterly along the said centre line of the New Jersey Railroad to the centre line of Cottage place; thence easterly along the centre line of Cottage place to the centre line of Bergen avenue; thence northwesterly along the centre line of Bergen avenue to the centre line of St. Paul's avenue; thence easterly along the centre line of St. Paul's avenue and in continuation thereof to the centre line of Hoboken avenue; thence easterly along the centre line of Hoboken avenue to the boundary line of the city of Hoboken; thence northerly, westerly and southerly along the several boundary lines of the city of Jersey City to the place of beginning.

The Fifth District: Beginning at the point where the centre line of the New Jersey Railroad intersects the westerly boundary line of Jersey City; thence easterly along the centre line of the New Jersey Railroad to the centre line of Cottage place; thence easterly along the centre line of Cottage place to the centre line of Bergen avenue, thence northwesterly along the centre line of Bergen avenue to the centre line of St. Paul's avenue; thence easterly along the centre line

of St. Paul's avenue to the centre line of Palisade avenue ; thence southerly along the centre line of Palisade avenue to the centre line of Newark avenue ; thence easterly along the centre line of Newark avenue to the centre line of Waldo avenue ; thence southerly along the centre line of Waldo avenue to the end thereof ; thence southerly across the New Jersey Railroad to the end of the centre line of Cornelison avenue or Mill road ; thence southerly along the centre line of Cornelison avenue or Mill road to the centre line of Palisade avenue ; thence southerly along the centre line of Palisade avenue to the centre line of Communipaw avenue ; thence westerly along the centre line of Communipaw avenue to the centre line of the Newark and New York plank road ; thence westerly along the centre line of said plank road to the westerly boundary line of Jersey City ; thence northerly along said boundary line to the place of beginning.

Recital continued.

The Sixth District : Beginning at the point where the centre of the Newark and New York plank road intersects the westerly boundary line of Jersey City, running thence easterly along the centre line of the said plank road to the centre line of Communipaw avenue ; thence easterly along the centre line of Communipaw avenue to the centre line of the Morris canal ; thence easterly along the centre line of the Morris canal to the centre line of Putnam street ; thence northerly along the centre line of Putnam street to the centre line of Railroad avenue ; thence easterly along the centre line of Railroad avenue to the centre line of Barrow street ; thence southerly along the centre line of Barrow street to the end thereof at its junction with the centre line of Woolsey street ; thence southerly along the centre line of Woolsey street, and in continuation thereof, to the southerly boundary of Jersey City ; thence westerly along said southerly boundary to the westerly boundary of said city ; thence along the said westerly boundary to the place of beginning, and also so much of said county of Hudson as is comprised within the limits of the township of Greenville and the city of Bayonne.

Recital continued.

The Seventh District : Being all that part of the county of Hudson which is comprised within the limits of the city of Hoboken.

Recital continued.

The Eighth District : Being all that part of the county of Hudson which is not comprised within the limits of any

other of said assembly districts," be and the same is hereby amended so as to read as follows :

21. *And be it enacted*, That the county of Hudson shall constitute eight assembly districts, to be composed as follows : Amendments.

The First District: Beginning at the centre of the Hudson river, where it is intersected by the centre line of Steuben street; continued thence westerly along the said centre line of Steuben street to the centre line of Henderson street (formerly Prospect street); thence southerly along said centre line of Henderson street to the centre line of Newark avenue; thence along said centre line of Newark avenue westerly to the centre line of Barrow street; thence southerly along the centre line of Barrow street to the end thereof at its junction with the centre line of Woolsey street (now Barrow street); thence southerly along the centre line of Woolsey street (now Barrow street), and in continuation thereof to the southerly boundary of Jersey City as it now exists; thence easterly along said southerly boundary to the centre of the Hudson river; thence northerly along the centre of the Hudson river to the place of beginning. Boundaries of first assembly district.

The Second District: Beginning at the centre of the Hudson river where it is intersected by the centre line of Seventh street (formerly South Second street); continued thence westerly along the centre line of Seventh street to the centre line of Grove street thence southerly along the centre line of Grove street to the centre line of Sixth street (formerly South Third street); thence westerly along the centre line of Sixth street to the centre line of Coles street; thence northerly along the centre line of Coles street to the centre line of Seventh street, and thence westerly along the centre line of Seventh street to the centre line of Brunswick street; thence northerly along the centre line of Brunswick street to a continuation of the centre line of St. Paul's avenue, in an easterly direction; thence westerly along the said continuation of the centre line of St. Paul's avenue to the centre line of Hoboken avenue; thence northeasterly along the centre line of Hoboken avenue to the boundary line of the city of Hoboken; thence easterly along the said boundary line of the city of Hoboken to the centre of the Hudson river; thence southerly along the centre of the Hudson river to the place of beginning. Second assembly district.

Third assembly district.

The Third District: Beginning at the intersection of the centre lines of Newark avenue and Henderson street (formerly Prospect street); thence northerly along the centre line of Henderson street to the centre line of Steuben street; thence easterly along the centre line of Steuben street to the centre line of the Hudson river; thence northerly along the centre line of the Hudson river to the centre line of Seventh street (formerly South Second street); thence westerly along the centre line of Seventh street to the centre line of Grove street; thence southerly to the centre line of Sixth street (formerly South Third street); thence westerly along the centre line of Sixth street to the centre line of Coles street; thence northerly along the centre line of Coles street to the centre line of Seventh street; thence westerly along the centre line of Seventh street to the centre line of Brunswick street; thence southerly along the centre line of Brunswick street to the centre line of Railroad avenue; thence easterly along the centre line of Railroad avenue to the centre line of Barrow street; thence northerly along the centre line of Barrow street to the centre line of Newark avenue; thence easterly along the centre line of Newark avenue to the place of beginning.

Fourth assembly district.

The Fourth District: Beginning at the point where the centre line of the New Jersey railroad intersects the westerly boundary of Jersey City, as it now exists, and running thence easterly along the said centre line of the New Jersey railroad to the centre line of Cottage place; thence easterly along the centre line of Cottage place to the centre line of Summit avenue (formerly Bergen avenue); thence northerly along the centre line of Summit avenue to the centre line of St. Paul's avenue; thence easterly along the centre line of St. Paul's avenue and in continuation thereof easterly to the centre line of Hoboken avenue; thence easterly along the centre line of Hoboken avenue to the boundary line of the city of Hoboken; thence northerly, westerly and southerly along the several boundary lines of the city of Jersey City, as they now exist, to the place of beginning.

Fifth assembly district.

The Fifth District: Beginning at the point where the centre line of the New Jersey railroad intersects the westerly boundary line of Jersey City, as it now exists; thence easterly along the centre line of the New Jersey railroad to the centre line of Cottage place; thence easterly along the

centre line of Cottage place to the centre line of Summit avenue (formerly Bergen avenue); thence northerly along the centre line of Summit avenue to the centre line of St. Paul's avenue; thence easterly along the centre line of St. Paul's avenue, and a continuation of said centre line easterly across Palisade and Hoboken avenues to the centre line of Brunswick street; thence southerly along the centre line of Brunswick street to the centre line of Railroad avenue; thence westerly along the centre line of Railroad avenue to the centre line of Prior street (or its continuation); thence southerly along the centre line of Prior street to the centre line of Grand street; thence southerly along the centre line of Grand street to the centre line of Fairmount avenue (formerly Hudson avenue); thence northwesterly along the centre line of Fairmount avenue to the centre line of Cornelison avenue or Mill road; thence southerly along the centre line of Cornelison avenue or Mill road to the centre line of Summit avenue (formerly Palisade avenue); thence southerly along the centre line of Summit avenue to the centre line of Communipaw avenue; thence westerly along the centre line of Communipaw avenue to the centre line of the Newark and New York plank road, now called Communipaw avenue; thence westerly along the centre line of Communipaw avenue (formerly the Newark and New York plank road) to the westerly boundary line of Jersey City, as it now exists; thence northerly along said boundary line to the place of beginning.

The Sixth District: Being all that part of said county of Hudson which is comprised within the limits of the city of Bayonne, and all that part of Jersey City, as it now exists, which is not comprised within the limits of either the first, second, third, fourth or fifth assembly districts of Hudson county, as said five assembly districts are bounded and described in this act. Sixth assembly district.

The Seventh District: Being all that part of the county of Hudson which is comprised within the limits of the city of Hoboken. Seventh assembly district.

The Eighth District: Being all that part of the county of Hudson which is not comprised within the limits of any other of said assembly districts. Eighth assembly district.

Approved March 6, 1878.

CHAPTER XLII.

Supplement to an act respecting conveyances (revision), approved March twenty-seventh, anno domini eighteen hundred and seventy-four.

Preamble

WHEREAS, commissioners of deeds in and for this state, in some instances have, through inadvertence or mistake, continued to take acknowledgments and proofs of deeds, mortgages and other writings, after their term of office had expired, and innocent persons may be subject to loss or injury thereby ; therefore,

Acts legalized
and made
valid.

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 certificates thereof, heretofore taken or made before or by any commissioner of deeds in and for this state, whose term of office had expired at the time of taking such acknowledgment or proof and the certificate thereof, 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.

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

Approved March 6, 1878.

CHAPTER XLVI.

Supplement to an act to regulate elections, approved April the eighteenth, A. D. eighteen hundred and seventy-six.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That no person attending at any college, theological seminary, academy, or other literary institution in any township, ward, borough, or city, for the purpose of obtaining an education, shall be entitled to vote therein, nor lose his right at his former residence; *provided*, Persons attending college or other literary institutions may not vote. this act shall not apply to any such person who has removed and taken up his permanent residence in any such township, ward, borough or city. Proviso.

2. *And be it enacted*, That any person prohibited by this act who shall vote or offer his vote, knowing that he is not qualified, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine not exceeding five hundred dollars, or imprisonment at hard labor for any term not exceeding one year, or both, at the discretion of the court before which such conviction is had. Penalty for voting or offering to vote.

3. *And be it enacted*, That if any judge or inspector of election, shall, at any election held after the passage of this act, knowingly and wilfully receive or assent to receive the vote of any person who is prohibited by this act, shall be deemed and taken to be guilty of a misdemeanor, and on conviction thereof shall be punished by a fine not exceeding five hundred dollars, or imprisonment at hard labor for any term not exceeding two years, or both, at the discretion of the court before which such conviction is had. Penalty for receiving or assenting to receive vote, &c.

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

Approved March 7, 1878.

CHAPTER XLIX.

An Act relating to the consolidation of railroads.

Authorized to consolidate and merge corporate rights, franchises, &c., into any one corporation.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for railroad corporations chartered by or under the laws of this state, and whose railroads are now constructed and lie wholly within this state, and which have been authorized to hold other railroads under lease, or to lease their properties, and which said corporations are now bound by contracts of lease, and also any such corporations whose railroads are now constructed and lying within the state, as are now authorized to consolidate their capital stocks, or property or business, to absolutely consolidate and merge their corporate rights, franchises, powers and privileges into any one of such corporations so authorized as aforesaid, so that by virtue of this act such corporations shall be consolidated and merged, and so that all the property, rights, franchises and privileges by law vested in such corporations so merged shall be transferred to and vested in the corporation into which such consolidation and merger shall be made.

Conditions and restrictions under which consolidation and merger may be made.

2. *And be it enacted*, That such consolidation and merger shall be made under the following conditions and restrictions, to wit: I. The directors or managers of each corporation so authorized as aforesaid shall enter into a joint agreement, under the corporate seal of each corporation for the consolidation of said corporations, and of such merger, prescribing the terms and conditions thereof, and the manner of converting the capital stock of the said corporation or corporations so to be merged into the stock or obligations of the corporation into which such merger shall be made, and all other provisions as they shall deem necessary to perfect the said consolidation and merger. II. Said agreement shall be submitted to the stockholders of each of such corporations at a meeting thereof, called separately; of the time, place and object of which meeting due notice shall be given by publication once a week for two successive weeks

Agreement to be submitted to stockholders.

before said meeting, in one newspaper published in each of the counties through or into which the railroads of said corporations respectively shall or may be authorized to extend; and at said meeting the said agreement shall be considered, and a vote by ballot, in person or by proxy, taken for the adoption or rejection of the same, each share entitling the holder thereof to one vote; and if a majority of all the votes cast at each of such meetings shall be in favor of said agreement, consolidation and merger, then that fact shall be certified by the secretary of such corporation, and said certificate, together with a copy of the agreement, shall be filed in the office of the secretary of the state, whereupon, the said agreement shall be deemed and taken to be the act of consolidation and merger of said corporation; but, nevertheless, if any stockholder of either of the companies so consolidated and merged, who shall not have given assent thereto and who shall be dissatisfied therewith, and shall signify his or her dissent by notice in writing, served on the president, secretary or treasurer of the company into which such consolidation and merger shall have been made, at any time within three months after the vote for the same, he or she shall receive from the company into which the consolidation and merger shall have been made, the fair value of his or her stock at the time when the vote for the agreement of consolidation and merger was so cast as aforesaid, which, if not agreed on, shall be appraised by three disinterested persons resident in this state, to be appointed by the chancellor or supreme court of this state, whose duty it shall be to make such appointment on reasonable notice, on the application of either party, and thereupon and upon the payment of the value so ascertained such stockholder shall deliver up his or her certificate of stock, if any such has been issued; and the said company, into which the consolidation and merger shall have been made, may reissue the same amount of stock to any other person or persons.

3. *And be it enacted*, That upon the filing of the said certificate and copy of agreement in the office of the secretary of the state, the said merger shall be deemed to have taken place, and the said corporations to be one corporation, possessing all the rights, privileges and franchises theretofore vested in either of them; and all the property, real, personal and mixed, and debts due, and rights of action, shall

Copy of agreement, when certified, to be filed with secretary of state.

Proceedings when stockholder shall dissent.

When merger shall be deemed to have taken place.

- be deemed and taken to be transferred to and vested in the corporation into which such merger shall have been made, without further act or deed; and all property, all rights of way, and all other interests shall be as effectually the property of such company or corporation, into which such merger shall have been made, as they were of either of the former corporations, parties to said agreement; *provided*, that all rights of creditors, and all liens upon the property of either of said corporations, shall continue unimpaired, and the respective corporations shall be deemed to be in existence to preserve the same; and all debts, duties and liabilities of either of said corporations, shall thenceforth attach to the consolidated corporation, and may be enforced against it to the same extent and by the same process as if said debts, duties and liabilities had been contracted by it; *and provided further*, that in case of any differences or inconsistencies of any nature, between the acts regulating said companies respectively, then the said consolidated corporation shall in all respects be regulated by the laws then governing and applicable to the corporation into which such merger shall have been made; *and provided further*, that a certified copy of the said certificate and copy of agreements so to be filed in the office of the secretary of state, shall be evidence of the lawful holding and action of such meeting and of the consolidation of such corporations and of the said merger.
- When capital stock may be increased.
4. *And be it enacted*, That whenever any consolidation and merger shall have taken place, under and by virtue of this act, between any two or more corporations so authorized as aforesaid, the corporation into which such merger shall be made, shall have power and authority to make such increase in its capital stock and shares as may be expedient in carrying such consolidation and merger into effect; *provided, however*, that such increase shall not be more than twenty per centum greater than the aggregate amount of the capital stock and shares of the corporations so consolidated and merged.
- Proviso.
5. *And be it enacted*, That whenever any consolidation and merger shall have taken place, under and by virtue of this act, between any two or more corporations so authorized as aforesaid, the corporation into which such merger shall be made, shall have the power and authority to issue bonds, either registered or coupon, and to create a mortgage or
- May issue bonds, either registered or coupon.

mortgages on a portion, or on all of its property, real and personal, and also of all its rights, privileges and franchises, to trustees, to secure the payment of the bonds so issued, and to give and exchange the said bonds for the debts and obligations of the respective corporations so consolidated and merged; *provided*, that the bonds so issued shall not exceed ^{Proviso.} in amount the whole of the debt and obligations and twenty per centum in addition thereto, of the corporations so consolidated and merged, and that said bonds shall not bear a rate of interest of more than seven per centum per annum; the bonds so issued may be given in lieu, exchange, and in satisfaction of, and for all bonds, mortgages, or other debts, or claims, or stock, or obligations, against the corporations thus consolidated and merged, upon such terms as may be agreed upon by and between the holders of such debts or claims, and the corporation into which such consolidation and merger has taken place.

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

Approved March 7, 1878.

CHAPTER L.

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

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

"That all the real and personal estate of every corporation hereafter incorporated by any act of the legislature, or by the filing of a certificate or otherwise under any general law of this state, shall be taxed the same as the real and personal estate of an individual; *provided*, however, that the provisions of this section shall not apply to railway, turnpike, ^{Section to be amended recited.}

insurance, canal or banking corporations, or to savings banks, or to cemeteries, church property, or purely charitable or educational associations," be and the same is hereby amended to read as follows :

- Amendment. That all the real and personal estate of every corporation incorporated by any act of the legislature, or by the filing of a certificate or otherwise under any general law of this state, shall be taxed the same as the real and personal estate of an individual; *provided*, however, that the provisions of this section shall not apply to railway, turnpike, insurance, canal or banking corporations, or to savings banks, or to cemeteries, church property, or purely charitable or educational associations.
- Proviso.
- Repealer. 2. *And be it enacted*, That all acts or parts of acts to which this is a supplement conflicting with this act be and the same are hereby repealed, and that this act shall take effect immediately.
- Approved March 7, 1878.

CHAPTER LI.

An Act for the relief of the national guard.

- Preamble. WHEREAS, the several organizations of the national guard of this state called into active service in July last for the suppression of riot and disorder and the preservation of peace, received inadequate pay therefor,
- Treasurer to pay money on warrant of comptroller. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the sum of one dollar be paid by the treasurer of this state on the warrant of the comptroller to each enlisted man now in the national guard or who has been honorably discharged, for each and every day of service performed in the months of July and August, eighteen hundred and seventy-seven, for the preservation of the public peace; this to be paid through the acting pay-

master general and the regimental and battalion paymasters or officers acting as such.

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

Approved March 7, 1878.

CHAPTER LII.

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

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That where the appropriation now made for the aid and relief of the poor in cities, boroughs and towns, having fifty thousand inhabitants and upwards, has been already expended, or is or may be inadequate and insufficient for the necessary relief of the suffering and destitute poor, it shall be lawful for the board of finance of any such city or town, or, in the absence of such board, then the common council, or other authority or board of any such city, borough or town, to increase said appropriation at any time during the fiscal year for which the same was made, in such amount as by said board or common council, as the case may be, may be deemed reasonably necessary for the purpose of such aid and relief; *provided*, such additional appropriation shall not exceed ten thousand dollars; *and provided*, *further*, that it shall be the duty of such board or common council thus making appropriation to adopt and enforce such measures and regulations respecting the disbursing such appropriation or otherwise relieving the poor in amount thereof as in their judgment will seem a prudent, wise and economical expenditure of such appropriation and afford the desired aid to the poor.

Increase of appropriation for relief of poor authorized.

Proviso.

Proviso.

2. *And be it enacted*, That said board or common council is hereby authorized to borrow the amount of money which such board or common council may by this act appropriate for the purpose of such appropriation, in anticipation of taxes next thereafter to be levied, and to issue proper

May borrow money for purpose of appropriation in anticipation of taxes.

Repayment to
be provided for
in tax levy.

evidence or evidences of indebtedness therefor, to be signed by the mayor, sealed by the city, borough or town seal, and attested by the clerk; and the said board or common council, as the case may be, shall provide for the repayment of the said borrowed money in the tax levy to be made next thereafter, unless the same be previously paid; and it is hereby made the duty of said mayor to sign, and the said clerk to attest and seal with the corporate seal, such evidence of indebtedness, the issue of which may be ordered under this act as herein provided.

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

Approved March 7, 1878.

CHAPTER LIII.

An act to provide for the full payment of the fixed annual salaries of teachers in certain cities.

Board of finance and taxation to order and provide for full payment of annual salaries.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That where in any city of this state, having a board having the control and management of the public schools, called a board of directors of education, the teachers of which schools shall not have received their full annual salaries, as fixed by said board at the commencement of the fiscal or school year, or prior thereto, but only a portion thereof, it shall be lawful for the board of finance and taxation, or other board possessing the power and authority to make or fix appropriations for the payment of the salaries of said teachers, to order, direct and provide for the full payment of said salaries; *provided, however*, that the payments to be made under and by virtue of this act shall not, in any case, exceed one month's salary, and the board, last before named, are hereby empowered and directed to borrow, in anticipation of taxes next to be levied in any such city after the passage of this act, or raise in such other manner as may be legal, sufficient money to pay the salaries

Proviso.

before named, and the requisite sum not exceeding the one month's salary before mentioned shall be put in the tax levy next thereafter.

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

Approved March 7, 1878.

CHAPTER LVII.

A Supplement to an act entitled "An act regulating proceedings in criminal cases."

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That every justice of the peace and police justice in this state shall on or before the first day of each term transmit to the prosecutor of the pleas of his county every complaint, warrant, recognizance and all other papers in every criminal case and in every case arising under an act entitled "An act concerning disorderly persons," approved April ninth, eighteen hundred and seventy-five, when complaint has been made before said justice at least ten days before the first day of each term; and every justice who shall fail to put in the possession of the prosecutor of the pleas of his county all such papers at least on the day before the first day of each term, shall be guilty of a misdemeanor, and on conviction thereof shall be punished by a fine not exceeding fifty dollars, or imprisonment not exceeding three months, or both.

Justices of peace and police justices shall transmit complaints, warrants, recognizance &c., in criminal cases, to the prosecutor of his county.

Penalty for non-compliance.

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

Approved March 12, 1878.

CHAPTER LVIII.

An Act concerning bridges and turnpikes.

When franchises, &c., of turnpike road is to be deemed abandoned by company.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in case any turnpike company in this state owning a bridge over any stream or river, forming a part of their turnpike road, has heretofore suffered or permitted said bridge to be and remain out of repair, so that public travel thereon has been stopped for the space of four months, it shall be deemed and taken as an abandonment on the part of such turnpike company of its franchises, and the charter of every such turnpike company, with all the rights, privileges and franchises granted thereby, is declared to be revoked and utterly null and void, and all acts and supplements to acts incorporating such turnpike company, are declared to be and the same are hereby repealed.

Boards of chosen freeholders authorized to acquire, by purchase, bridge and turnpike road.

2. *And be it enacted*, That it shall and may be lawful for the board of chosen freeholders, of the county wherein any such bridge and turnpike is situated, or in case such bridge or turnpike is situated in more than one county, it shall be lawful for the boards of chosen freeholders, of the several counties wherein such bridge or turnpike, or part thereof, is situate, to purchase and acquire for the public use such bridge and turnpike road, for the lowest price for which the same can be obtained, the same in their judgment being reasonable; and whenever any such bridge and turnpike road shall be so purchased, the same shall be forever thereafter free for public travel, and shall be maintained and worked as other county bridges and public roads are or shall be directed to be maintained and worked.

Board of freeholders may, on application, appoint a special committee to contract for and purchase such bridge and turnpike road.

3. *And be it enacted*, That it shall be the duty of the boards of chosen freeholders of any county wherein a bridge or turnpike road of the description named in the first section of this act is situate, or in case the same may be in two counties, then it shall be the duty of the boards of chosen freeholders of the counties wherein the same may be situate, upon application in writing of twelve property owners and

residents of their respective county or counties, forthwith to appoint a special committee of each of said boards, with full power to contract for and purchase the said bridge and turnpike road; and in case no agreement is made for such purchase within thirty days after the appointment of said committees, the justice of the supreme court holding the circuit in either county where said bridge or turnpike road, or any part thereof, is situate, shall, upon application in writing of the said special committees of said boards or of twelve property owners and residents of each of such counties wherein said bridge or turnpike road is situated, appoint three competent and disinterested persons commissioners to determine the true value of the bridge and turnpike road in question, five days' previous notice of such application having been first served upon the directors of the boards of chosen freeholders of the counties wherein said bridge or turnpike road may be, and also upon the president, secretary or a director of the company owning the said bridge or turnpike road; and the said commissioners shall, immediately upon their appointment, proceed to estimate and determine the fair and just value of the said bridge and turnpike road, having given at least ten days' notice of the time and place when and where they will meet to hear any representatives on behalf of the said bridge and turnpike owners, and of the board or boards of chosen freeholders, which notice shall be served in the same manner as herein prescribed for the notice of the application for the appointment of commissioners; and the said commissioners shall also ascertain and determine what proportion of the value of such bridge and turnpike road shall be paid by each of the counties in which the same is situate (in case the same is situate in more than one county); and as soon as the said commissioners shall have determined the said valuation, they shall prepare and sign a certificate thereof, and of the proportion to be paid by each county, and file the same or a duplicate thereof in the office of the clerk of each county wherein the said bridge and turnpike road is situate; and immediately thereafter the board of chosen freeholders of each county wherein the said bridge and turnpike road are situate shall pay its proportion of such valuation or award, as was determined by said commissioners, to the owners of said bridge and turnpike, or in case said owners will not receive such award shall deposit

Proceedings in
case no agree-
ment is made.

the same in such trust company or savings institution as the aforesaid justice of the supreme court shall direct; and thereupon the title to and right of possession of the said bridge and turnpike road shall become vested in the board of chosen freeholders of the county wherein the same are situate, in case the same are situate in one county only; and in case the said bridge is situate in more than one county, the title to and right of possession of the same shall become vested in the respective boards of chosen freeholders of the counties wherein the same is situate; and that the title to and right of possession of the part of such turnpike road as is situate in either county shall become vested in the board of chosen freeholders of the county wherein the same is situate, for public use, in the same manner as if the said bridge had been erected by said board or boards, and the turnpike road had been opened in pursuance of law.

Proceedings in case owners are aggrieved or dissatisfied by the action of the commissioners.

4. *And be it enacted*, That in case the owners of said bridge and turnpike or either of the boards of chosen freeholders shall feel aggrieved or be dissatisfied by the action of the said commissioners, the party so aggrieved may appeal to the circuit court held by the aforesaid justice of the supreme court, by whom the said commissioners were appointed, which proceedings shall vest in said circuit court full right and power to direct a proper issue for the trial of the controversy between the said parties and order a jury, which jury shall assess the value of the said bridge and turnpike road, and the trial thereof shall be conducted as in other cases of trial by jury, and the final judgment of said court rendered on the verdict of said jury shall be conclusive as to the said valuation, and as to the amount or proportion to be paid by each county, and the amount already paid or deposited may be increased or diminished accordingly; *provided*, that in case of appeal by more than one of the parties the proceedings shall be consolidated and one jury ordered for the trial of all the matters in controversy; *and provided further*, that the said circuit court may make all necessary and proper rules and orders not inconsistent with this act for the trial of said appeal and for the regulation of the practice and proceedings under this act, and for the payment of the costs of said appeal and the amount of the verdict of said jury.

Proviso.

Proviso.

5. *And be it enacted*, That before entering upon the duties

hereinafter specified, the said commissioners shall take and subscribe an oath, before some person having authority to administer the same, that they will faithfully and impartially perform the duties required of them by this act; and said commissioners shall determine the said valuation and prepare and file their certificate thereof as prescribed in the second section of this act within thirty days after their appointment or within such further time as the said justice of the supreme court shall direct.

Commissioners to take and subscribe an oath.

6. *And be it enacted*, That the aforesaid justice of the supreme court shall be entitled to receive the sum of five dollars for the appointment of the said commissioners; and that the said commissioners shall be entitled to receive such reasonable compensation for their services under this act as the said justice shall deem just and proper, to be paid by the said counties in equal portions.

Fees to the justice of supreme court for appointment of commissioners.

7. *And be it enacted*, That for the purpose of paying the purchase money or award for such bridge and turnpike road, and the expense of repairing and putting in good order the said bridge, it shall and may be lawful for the boards of chosen freeholders of said counties, or either of them, and they are hereby authorized to borrow such sums as they deem advisable, not exceeding the amounts required for the purpose aforesaid with the necessary expenses, and to issue therefor the bonds of the county, under the corporate seal of the board and signed by the directors and attested by the clerk of said board and countersigned by the county collector of said county, and of such denominations as said board may deem advisable, bearing legal interest, said interest to be paid semi-annually by the county; *provided*, said bonds shall not be issued or disposed of at less than their par value.

May borrow money and issue bonds.

Proviso.

8. *And be it enacted*, That the bonds issued by virtue of this act shall specify the purpose for which they are issued and shall be a lien upon all the property of said corporation, and the faith of the inhabitants of said county shall be pledged for the payment of the principal and interest; the said bonds shall be issued so that one-tenth of the principal of shall be payable every year after the date thereof until the whole sum shall be paid.

Bonds shall specify the purpose for which they are issued.

9. *And be it enacted*, That for the purpose of paying the said purchase money or award for said bridge and turnpike

Payment to be provided for by taxation.

road and the expense of repairing and putting in good order the said bridge and also the principal and interest of the said bonds, if issued, it shall be lawful for the said board of chosen freeholders to raise the amount required by taxation in the same manner as other county taxes are raised.

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

Approved March 12, 1878.

CHAPTER LIX.

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.

Proceedings for vacating assessments in certain cases.

1. BE IT ENACTED, *by the Senate and General Assembly of the State of New Jersey*, That whenever any assessment which has been made by any board of commissioners within any township or village in this state, by virtue of any local or special law for the costs, damages and expenses of constructing any sewer, or laying out, opening, widening or otherwise improving any street or avenue, or of making any other improvement (other than for the laying of sidewalks), has been or shall hereafter be set aside by any court of competent jurisdiction; or whenever any such assessment has in the opinion of such commissioners been made in an illegal manner, or upon erroneous principles, it shall be lawful for the said board of commissioners to apply to the circuit court of the county wherein such improvement is situated, to have such assessment vacated (if not already set aside as aforesaid) and for the appointment of commissioners to make a reassessment of such costs, damages and expenses; and the said court shall thereupon vacate such assessment and appoint commissioners as hereinafter provided.

Notice to be given when reassessment is deemed necessary.

2. *And be it enacted*, That in all cases in which such reassessment shall be deemed necessary, and in all cases in which an assessment for the costs, damages and expenses

which may be hereafter incurred by any such board of commissioners, for the construction of any sewer, or laying out, opening, widening or otherwise improving any street or avenues, or for making any other improvement (other than for the laying of sidewalks) shall be necessary, such board of commissioners shall cause public notice to be given in one or more of the newspapers of the county wherein such sewer, street or public improvement is located, in such manner as the said circuit court may direct, of application to be made on a certain day and place therein named, to said circuit court, for the appointment of three discreet and competent freeholders, not property owners, tax payers, nor residents within the limits of the authority of such board of commissioners, as commissioners, to make an assessment of such costs, damages and expenses of such improvement; and such circuit court when applied to as aforesaid, on due proof that such notice has been given, is hereby authorized and required to appoint three commissioners as aforesaid by rule entered in the minutes of said court, and in case of death, resignation, disability, or refusal to serve of any such commissioner, the vacancy shall be filled as soon as may be by said court, upon such notice as the said court shall direct; the commissioners so to be appointed shall before entering upon the duties of their office, take, subscribe and file in the office of the clerk of the said county, an oath faithfully to discharge the duties devolving upon them as such commissioners, and that they are not property owners, tax-payers, or residents within the limits of the authority of such board of commissioners.

Appointment of
commissioners.

Commissioners
to take and sub-
scribe an oath.

3. *And be it enacted*, That the commissioners, upon their appointment and qualification as aforesaid, shall forthwith proceed to ascertain and determine the total costs, damages and expenses incurred for the construction of such sewer, or for the laying out, opening, widening or improving such street or avenue, or making such other improvement, including the value of the lands and improvements (if any) taken for the same by the said board of commissioners, including also all interest or discounts paid upon any certificates of indebtedness, bonds or notes issued or made for money borrowed in payment of such costs, damages and expenses, or in payment or renewal of any notes or other certificates or bonds previously issued therefor, and after ascertaining the

Commissioners
to ascertain to-
tal costs, dam-
ages and ex-
penses incurred
in construction
of sewer or im-
provement of
streets, &c.

total amount of such costs, damages and expenses in manner aforesaid, the said commissioners shall calculate interest thereon to a date three months thereafter, and shall make a minute of the date to which they shall have calculated such interest in the certificate of assessment directed to be made by this act.

Commissioners
to make a just
and equitable
assessment.

Proviso.

4. *And be it enacted*, That upon ascertaining the total cost, expense and damage incurred by such improvement as prescribed by the third section of this act, the commissioners shall proceed to make a just and equitable assessment thereof upon all of the lands within the limits of the authority of said board of commissioners specially benefited by such improvement, in proportion to the benefits actually acquired by said lands; *provided*, that in no case shall the assessment upon any lands exceed the special benefits arising from such improvement to the lands so assessed, and in case the said commissioners shall determine that the lands specially benefited by said improvement have not been so benefited to the full extent of the costs, damages and expenses thereof, the surplus of such costs, damages and expenses remaining after assessing the lands specially benefited to the extent of such special benefit shall be a debt upon and be paid by the said board of commissioners out of the moneys to be raised by general taxation for that purpose as hereinafter provided.

Proceedings
when objec-
tions are made
to assessments,
&c.

5. *And be it enacted*, That the said commissioners shall after their qualification as aforesaid, and before entering upon the duties prescribed by this act, give ten days' previous notice, by publication in two of the newspapers published in the county wherein said improvement is situate, and by printed hand-bills posted in five of the most public places within the limits of the authority of said board of commissioners, that they will meet at a convenient time and place named in said notice for the purpose of discharging the duties devolving upon them as such commissioners, and at the time and place so appointed the said commissioners shall meet and proceed to examine the matters referred to them under this act, and shall have power to adjourn from time to time, and shall give full opportunity to all parties interested, under such reasonable restrictions as the commissioners may impose, to state their views in regard to the subject matter before said commissioners, and to present their objections to the assessments to be made by the said commissioners, and

to produce evidence before the said commissioners in support of their objections; and any one of the said commissioners may administer oaths and take the depositions of witnesses, who shall be subject to the same pains and penalties for false swearing as if said oaths had been administered in an ordinary legal proceeding before a competent court.

6. *And be it enacted*, That whenever the commissioners shall have completed said assessment they shall cause a map to be made showing the location and boundaries of each lot so assessed, and shall designate on each lot of land upon said map the names of the owners of said lots, so far as they may be known to the said commissioners, and shall also cause the lots on said map to be numbered, and they shall make a certificate showing the whole amount of said assessment, with the amount assessed against each lot by the number as designated on said map, and the names of the owners set opposite thereto, so far as the same may be known to the said commissioners, which said map and certificate shall be open to the inspection of all parties interested, at such place as the said commissioners shall specify in the notice next hereinafter mentioned, and the said commissioners shall thereupon give ten days' public notice in the manner provided by the fifth section of this act, that they have completed the map and certificate required by this act, and that the same may be examined in some convenient place in said notice named, and that they will meet at a certain time and place designated in said notice, to hear and consider all objections to said assessment, and to revise, correct, and finally confirm the same; at which time and place the said commissioners shall meet and give all parties appearing before them an opportunity of being fully and fairly heard concerning the said assessment or the subject matter thereof.

7. *And be it enacted*, That the said commissioners shall make a report of their proceedings and assessments to said circuit court within sixty days after the date of their appointment, or within such further time as the said court may by order grant; and upon the coming in of said report, signed by the said commissioners, or any two of them, said court shall cause notice to be given in the same manner as prescribed in the fifth section of this act, of the time and place of hearing any objections that may be made to such assessment; and after hearing any matter that may be

Map to be made showing location and boundaries of each lot assessed.

Report to be made by the commissioners within sixty days from date of their appointment.

Proceedings if
report is not
confirmed.

alleged against the same, the said court shall either confirm the said report or refer the same to the same or new commissioners, to be appointed by the said court, to reconsider the subject matter thereof; and the said commissioners to whom the said report shall be so referred shall return the same report corrected and revised, or a new report to be by them made in the premises, to the said court within such time as the said court shall by order direct, and the same, on being so returned, shall be confirmed or again referred by said court in manner aforesaid, as right and justice shall require, and so from time to time until a report shall be made or returned in the premises which the said court shall confirm; and such report when so confirmed shall be final and conclusive, as well upon the said board of commissioners as upon the owner of any land and real estate affected thereby; which said map and report, when finally confirmed by said court, shall be filed in the office of the clerk of the county wherein said improvement is situate, and shall at all reasonable and proper times be subject to the examination and inspection of all parties interested in the same; and from and after the filing of said map and report in the office of said clerk, said assessments shall be and remain a lien upon each lot of property so assessed for the amount thereof, with interest thereon and all costs and fees thereon, until the same shall be paid and satisfied, notwithstanding any devise, descent or alienation thereof, or any judgment, mortgage or encumbrance thereon, and notwithstanding any mistake in the name or names of the or omission to name the owner or owners thereof, and any assessment in which such mistake or omission occurs shall, nevertheless, be a valid and effectual lien upon the lands assessed.

Notice to be
given immedi-
ately after con-
firmation of
assessment.

8. *And be it enacted*, That immediately after the confirmation of said assessment, the treasurer or financial officer of such board of commissioners, shall give written notice to each owner of lands assessed, of the amount assessed against the lands of such owner, either by service of such notice upon such owner personally, or by mailing the same to such owner, directed to his post office address if known, and if unknown, by publishing the notice of such assessment for two weeks in one of the newspapers published in the county where said improvement is located.

9. *And be it enacted*, That the owners of lands so assessed,

may pay said assessments in such equal yearly payments, not exceeding ten, as the said board of commissioners may determine, with legal interest thereon, from the date to which said commissioners shall have calculated interest as directed in and by the third section of this act; the first of which said annual payments shall be made within one year 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 interest upon the assessment when due, the whole of such assessment shall become and be immediately due and payable; *provided*, that any party assessed shall have the privilege of paying the whole of any assessment with accrued interest at one time.

Assessment may be paid in equal yearly payments not exceeding ten, &c.

Proviso.

10. *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 commissioners may sue for and recover from such owner the whole of such assessment remaining unpaid, with interest and costs, by an action of debt in any court of competent jurisdiction in the name of said board of commissioners 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 commissioners, 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 fifty years, and to pay the said assessment with interest and the costs and expenses of sale, having first advertised said sale for the space of two months at least once in each week in two of the newspapers published in the said county, giving notice of the time and place of sale, together with a brief description of the said land, and specifying the amount of such assessment remaining unpaid, and the name of the owner of the land against which such assess-

Proceedings when owners shall fail to pay any such assessment, &c.

ment was made, and upon such sale the said board of commissioners shall execute, under its common seal, a declaration of such sale, to be signed by its president or other head officer, and secretary, 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.

How redeemed. 11. *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 such 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, 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 no 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 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 commissioners may direct; *and provided*, *further*, that if at any such sale of lands for such assessment,

Proviso.

Proviso.

Proviso.

any part thereof shall remain unsold for the want of purchasers, it shall be lawful for the said board of commissioners to purchase the said lands for the benefit of such board of commissioners for the term of fifty 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 said right of redemption; *and provided*,^{Proviso.} *further*, that such declaration of sale shall be void and of no effect against a subsequent judgment creditor or *bona fide* purchaser or mortgagee, for a valuable consideration, not having notice 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.

12. *And be it enacted*, That whenever any such assess-^{Proceedings}ment for local improvements has been or may hereafter be^{when assess-} set aside or vacated by any court of this state, as mentioned^{ment is set aside} in the first section of this act, any owner or owners of lands^{or vacated.} so assessed who shall have paid or who shall hereafter pay the sums of money so assessed on his or their said lands for such improvements, shall be stayed and delayed in the collection of such moneys from such board of commissioners until such time as a re-assessment for benefits for such improvement shall have been made as hereinafter set forth; *provided, however*, that in all cases where such void assess-^{Proviso.}ments have been made, or assessments so set aside and vacated, such re-assessment shall be made within two years from the passage of this act, and in cases where such assessments shall hereafter be set aside such re-assessment shall be made and completed within twelve months from the time of setting aside said assessments; *and provided further*,^{Proviso.} that interest upon the sums of money so paid as aforesaid by any owner of lands for such assessments shall be collected, on final settlement, from said board of commissioners, at the rate of seven per centum per annum, from the date of the payment of such assessment aforesaid to the time of final adjustment; *and provided further*,^{Proviso.} that in cases where such re-assessments are made and completed within the time limited in this act for the refunding of said moneys, the said moneys so as aforesaid paid, with interest as aforesaid, shall become at once due and payable, and shall be applied in set-

tlement of said re-assessment, and the balance, if any, refunded to the person or persons legally entitled thereto.

Commissioners
may issue
bonds.

13. *And be it enacted*, That for the purpose of paying the costs, damages and expenses of constructing any sewer, or laying out, opening, widening or otherwise improving any street or avenue, the assessment for which is provided for in this act, and all other expenses incident thereto, and the interest upon such expenses, the said board of commissioners is hereby authorized to issue bonds in the name of such board of commissioners, and pledging for the redemption thereof the faith and credit of said board of commissioners, bearing interest at such rate as the said board of commissioners can dispose of said bonds at, not exceeding legal interest, which bonds shall be made payable at such time or times as the said board of commissioners may at the time of issuing the same determine, not over fifteen years from the date of issuing the same, but so issued that an equal portion of the same shall become and be due and payable in each year after two years from the date of said bonds, said bonds shall be issued in such sums as the said board of commissioners may determine, not exceeding in the aggregate the amount of the assessment as found by the commissioners to be appointed by the court as aforesaid, together with all the expenses incident to said assessment, and the costs incurred (if any) in setting aside the original assessment, and may be disposed of by the said board of commissioners from time to time as may be necessary, at the highest rate for which they can dispose of the same, said bonds shall be issued under the seal of the said board of commissioners, and be signed by the president or other head officer and treasurer of such board of commission, and shall specify the purpose for which the same are issued, and shall be a lien upon the real estate within the limits of the authority of said board of commissioners as well as the property of the said board of commissioners.

Commissioners
may raise
money by taxa-
tion.

14. *And be it enacted*, That it shall be the duty of such board of commissioners to raise by taxation in the manner provided for the raising of other taxes for the purpose of such board of commissioners the moneys necessary to pay the costs, damages and expenses of any such improvement hereinbefore mentioned in excess of the amounts assessed upon the lands specially benefited as provided in the fourth

section of this act; *provided*, that at least one-tenth of such excess shall be raised by general taxation as aforesaid each year in addition to the amounts which the said board of commissioners is or may be authorized by law or by vote of the persons entitled to vote within the limits of the authority of said board of commissioners, to raise by taxation for general purposes.

15. *And be it enacted*, That the commissioners appointed under the provisions of this act shall have power to employ an engineer, clerk and counsel, if the same shall be deemed necessary; and the said circuit court on the confirmation of such assessment, shall tax and allow such reasonable compensation, costs and fees to said commissioners, clerks, engineer, counsel or other persons performing any of the duties prescribed by this act, as the said court shall deem just and fair; to be paid by such board of commissioners; and the judge of the circuit court, who shall perform the services aforesaid shall receive the following compensation, to wit: for the appointment of commissioners, the sum of five dollars; for the hearing of any objections to any report, the sum of five dollars; for the confirmation of any such report, the sum of five dollars, and for every day that he shall be engaged in hearing objections to said report, the sum of five dollars, to be paid by such board of commissioners.

Proviso.
Commissioners may employ engineer, clerk and counsel, and fix their compensation.

16. *And be it enacted*, That said court may make such rules not inconsistent with this act for the regulation of the practice and procedure under the same as shall be deemed expedient.

Court may make rules, &c., not inconsistent with this act.

17. *And be it enacted*, That the provisions of this act shall not apply to any case where the whole of the assessments for any such local improvement shall have been paid in full.

When not to apply.

18. *And be it enacted*, That this act shall refer to all boards of commissioners qualified by any local or special laws to make assessments for public improvements of the character mentioned in this act by whatever name or style such commissioners may be designated or known in and by the act, authorizing them to make such improvements, and that all special acts under which any local improvements of the character mentioned in this act have been or shall be made, so far as such special acts are inconsistent with the

Act to refer to all boards of commissioners qualified by any local or special laws to make assessments, &c.

Repealer. provisions of this act, and all other acts inconsistent with this act be and the same are hereby repealed, and that this act shall take effect immediately.
Approved March 12, 1878.

CHAPTER LX.

An Act to amend an act entitled "An act regulating proceedings in criminal cases," (revision) approved March twenty-seventh, eighteen hundred and seventy-four.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the eighty-third section of the act entitled "An act regulating proceedings in criminal cases," (revision) approved March twenty-seventh, eighteen hundred and seventy-four, which is in these words, viz.:

Section to be amended recited.

"Writs of error in all criminal cases not punishable with death, shall be considered as writs of right and issue of course; and in criminal cases punishable with death, writs of error shall be considered as writs of grace, and shall not issue but by order of the chancellor for the time being, made upon motion or petition, notice whereof shall always be given to the attorney general or the prosecutor for the state," be and the same is hereby amended, and it is hereby enacted as follows, viz.:

Amendment.
Writs of error in criminal cases considered writs of right.

Writs of error in all criminal cases shall be considered as writs of right and issue of course; but in criminal cases punishable with death, writs of error shall be issued out of and returnable to the court of errors and appeals alone, and shall be heard and determined at the term of said court next after the judgment of the court below, unless for good reasons the court of errors and appeals shall continue the cause to any subsequent term.

Approved March 12, 1878.

CHAPTER LXI.

An Act to amend an act entitled "An act to reapportion the several assembly districts of the state of New Jersey," approved March twenty-second, one thousand eight hundred and seventy-one.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section seven of an act entitled "An act to reapportion the several assembly districts of the state of New Jersey," approved March twenty-second, one thousand eight hundred and seventy-one, which reads as follows :

"7. *And be it enacted*, That the county of Burlington shall constitute four districts, the first district to be composed of the townships of Bordentown, Chesterfield, New Hanover, Mansfield and Springfield; the second district to be composed of the townships of Burlington, Beverly, Cinnaminson and Chester; the third district to be composed of the townships of Willingboro', Pemberton, North Hampton, West Hampton, Lumberton, and Evesham; the fourth district to be composed of the townships of Medford, South Hampton, Shamong, Woodland, Washington, Randolph, Bass River, and Egg Harbor," be amended so as to read as follows :

7. *And be it enacted*, That the county of Burlington shall constitute four districts, the first district to be composed of the townships of Bordentown, Chesterfield, Florence, Mansfield, New Hanover and Springfield; the second district to be composed of the townships of Burlington, Beverly, Cinnaminson and Willingboro'; the third district to be composed of the townships of Evesham, Chester, Lumberton, Mount Laurel, North Hampton and Medford; the fourth district to be composed of the townships of Bass River, Little Egg Harbor, Pemberton, Randolph, South Hampton, Shamong, Washington, Woodland and West Hampton.

Approved March 12, 1878.

CHAPTER LXII.

Supplement to an act entitled "An act to incorporate benevolent and charitable associations," approved April ninth, eighteen hundred and seventy-five.

Proceedings for dissolving benevolent associations.

Notice to be mailed to every member.

Certificate of consent to be filed in office of secretary of state.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever in the judgment of any corporation organized under the act to which this is a supplement, or any association organized for benevolent and charitable purposes incorporated under any law of this state, it shall be deemed advisable and most for the benefit of such corporation that the same should be dissolved, it shall and may be lawful for such corporation, within ten days after the adoption of a resolution to that effect by said corporation, to cause written or printed notice of the adoption of such resolution to be mailed to each and every member of said corporation residing in the United States, and also within ten days to cause a like notice to be published in one or more newspapers published and circulated in the county wherein such corporation shall have their place of meeting at least four weeks successively, once a week, next preceding the time appointed for the same, of a meeting of such members of said corporation, to be held at the usual place of meeting of said corporation in such county to take action upon such resolution, and which meeting may, on the day so appointed, by the consent of a majority of the said members present, be adjourned from time to time for not less than one week at any one time, of which adjourned meeting notice by advertisement in such paper shall be given; and if at any such meeting two-thirds of all the members then present shall consent by resolution that such dissolution shall take place, then and in such case such corporation shall, upon filing a certificate of such consent, duly attested by their secretary, in the office of the secretary of state, and receiving from him a certificate that such certificate of consent has been filed, be dissolved, and the said corporation shall

cause such certificate to be published four weeks successively, at least once in each week, in one or more of the newspapers published and circulating in the county in which such corporation has had its place of meeting; *provided*, that the secretary of state shall not issue the certificate of dissolution hereinbefore mentioned until satisfied by due proof that the requirements aforesaid have been fully complied with by such corporation; *and provided further*, that no distribution of the assets of any corporation affected by this act shall be made until the debts of such corporation shall have been fully satisfied. Proviso.

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

Approved March 12, 1878.

CHAPTER LXIV.

An Act to repeal an act entitled "An act to prevent fraud in the manufacture and sale of commercial fertilizers," approved March ninth, eighteen hundred and seventy-seven.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the act entitled "An act to prevent fraud in the manufacture and sale of commercial fertilizers," approved March ninth, eighteen hundred and seventy-seven, which now reads as follows:

"1. *Be it enacted*, That commercial manures or fertilizers sold or kept for sale in the state of New Jersey shall have affixed to every bag, barrel or parcel thereof which may contain fifty pounds or upwards, a special printed name or trade mark, by which the same may be known or designated, with the name and place of business of the manufacturer or importer, together with a true specification of the guaranteed percentages of phosphoric acid soluble in water, total phosphoric acid, nitrogen, and potash contained in the contents Act to be repealed recited.

of the package, and also the quantity of the fertilizer contained in said package, and the date of its manufacture or importation."

Recital continued.

"2. *And be it enacted*, That any manufacturer, importer or dealer, who shall sell any package or packages without such stamp, impress or card affixed thereon, as is provided in section one of this act, or who shall sell any such package or packages with a false or untruthful stamp, impress or card affixed thereon, shall forfeit five dollars for each and every one hundred pounds thus sold in violation of the first section of this act; the same to be sued for, and recovered by, and in the name of the purchaser or purchasers of said package or packages, to be used for his or their own benefit."

Repealer.

"3. *And be it enacted*, That the provisions of this act shall not apply to any manure sold at a price not exceeding one-half a cent per pound," be and the same is hereby repealed, void and of no effect.

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

Approved March 13, 1878.

CHAPTER LXV.

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

Railroad company in possession of bridge may apply to riparian commissioners for adjudication when under indictment for obstructing navigation by means of such bridge.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That when any railroad shall be constructed, or shall be hereafter constructed, under or by virtue of any law of this state, and crosses or shall cross any stream where the tide ebbs and flows, and in consequence of the narrowness of the stream or shallowness of the water, or for any other cause, it is unnecessary or impracticable to put in a pivot draw with two openings, or

any draw, and any indictment has been or shall be found against the company owning or in possession of the railroad in which such bridge is, for obstructing the navigation of such stream by means of such bridge, or by or for want of a draw, or for want of a sufficient draw or draws in such bridge, it shall and may be lawful for such company to apply, in writing, to the board of riparian commissioners, setting forth the particular facts of the case, the width and depth of the stream, the location or contemplated location of the bridge, and pray the adjudication of the said board of commissioners in the premises, and particularly as to the character of the bridge built or to be built; whereupon it shall be the duty of the said board of commissioners to institute an inquiry, and by personal inspection, the examination of witnesses, and in such other manner as they may deem proper, to ascertain what kind and character of bridge is necessary and proper, and particularly whether any draw is required, and if so, what kind of a draw and the character and dimension thereof, and how the same shall be kept and maintained, and examine and consider as well the extent and importance of the navigation above said bridge as the safety, security and accommodation of the public traveling upon such railroad, and, after such inquiry and consideration, shall make an adjudication in the premises, which shall be signed by a majority of said board and be filed within ten days after the date thereof with the clerk of the court of common pleas in said county, and shall thereupon be binding upon the said company; and a compliance with and conformity to the requirements of such adjudication by the said company shall be a full performance of its duties and obligations in respect of such bridge; and if the adjudication of said board of commissioners, in any such case, shall be to the effect that the bridge to which such indictment doth or shall relate, at the time of the finding of such indictment, was a proper and sufficient bridge for the place where it is or shall be located, then the court before which such indictment is or may be shall not take or have any further proceedings therein, or by virtue thereof except to discharge the defendant or defendants named therein, from said indictment; but if the aforesaid adjudication of the said board of commissioners shall be to the effect that said bridge, at the time of the finding of such indictment, was not a proper and sufficient bridge for

Mode of procedure.

the place where it is, or shall be located, then the court shall give judgment upon the said indictment against the defendants named therein, or some of them, that it, he or they pay the costs of the prosecution and such fine, if any, as the court may deem proper, not exceeding two hundred dollars; *provided*, that if after such adjudication by the said board of commissioners, as last aforesaid, the owner or possessor of such bridge shall, within the time for that purpose in the adjudication of the said board of commissioners designated, comply with and conform to the requirements of the said adjudication, then the owners and possessors of such bridge shall be exempt from any criminal liability for or on account of such bridge.

Fine that may be imposed.

Proviso.

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

Approved March 14, 1878.

CHAPTER LXVI.

An Act to validate certain mortgages heretofore given by railroad corporations, and to make such mortgages a lien upon the franchises of such corporations.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all mortgages made and executed by railroad corporations upon their corporate property, real or personal, before the first day of July, in the year of our Lord eighteen hundred and fifty-four, to secure their bonds, issued or to be issued, whose charters did not expressly empower them to make and execute such mortgages, be and the same are hereby validated and confirmed; *provided*, that such mortgages shall have been recorded in the proper office or offices for recording the same.

Certain mortgages validated

Proviso.

When deemed and taken to be a mortgage lien.

2. *And be it enacted*, That every mortgage heretofore given or executed by any railroad corporation upon their corporate property, real and personal, to secure the payment

of their bonds or other indebtedness, and recorded in the proper office for recording such mortgages, and in which mortgage the corporate rights and franchises of such corporation are not mentioned, or included, shall be deemed and taken to be a mortgage lien and incumbrance of and upon the corporate rights and franchises of the corporation which executed the same, from and after the passage of this act, with the same effect to all intents and purposes as if the said corporate rights and franchises were mentioned or included in said mortgage; *provided, however*, that such mortgage shall not be deemed or taken to be an incumbrance as provided in this section, unless the company shall execute and seal with their corporate seal, and file in the office of the secretary of state a certificate describing such mortgage in general terms, and setting forth that the said corporation, with the consent and authority of the stockholders, holding a majority in amount of the stock of said corporation, desire and declare that such mortgage shall be deemed and taken to be a mortgage, lien and incumbrance, of and upon the corporate rights and franchises of said corporation.

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

Approved March 14, 1878.

CHAPTER LXVII.

An Act in relation to the number of directors of railroad, canal or turnpike companies which have been or may hereafter be sold under mortgage foreclosure and reorganized, and the consolidation of such companies when partly within and without this state.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the stockholders of any railroad, canal or turnpike company which has been or may

Number of directors to be not less than seven nor more than seventeen.

be formed after mortgage sales of said railroads, canal or turnpike, at the annual or other election of directors held by said stockholders may elect any number of directors, (not less than seven nor more than seventeen), one of whom shall be president, provided that the board of directors of said company shall first have voted and fixed the number of directors to be voted for, unless it shall be at the first meeting of the person or persons, for or on whose account any such railroad, canal or turnpike may have been purchased when the number of directors may be fixed as aforesaid by the persons organizing the new company under the laws of this state.

Consolidation
of companies
when partly
within and
without this
state to be taken
and considered
to be one com-
pany.

Proviso.

2. *And be it enacted*, That when any such railroad, canal or turnpike lies partly within and partly without this state, and shall have been purchased under a mortgage sale of the consolidated rights, property, privileges and franchises of either of said companies, and when the said foreclosure and sales shall have been carried on separately in the different states where the railroad, canal or turnpike was, the new company which may be thereafter formed in each state shall be taken and considered to be one company in law and in fact; *provided*, that the person or persons, for, or on whose account said purchase was made, shall be the same persons, and shall so certify under the hand of the first president of the consolidated company, in its certificate of organization in which case all of the aforesaid rights, property, privileges and franchises of the consolidated companies lying and being in the several states shall be merged into the new or reorganized company.

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

Approved March 14, 1878.

CHAPTER LXVIII.

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

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That hereafter, whenever by virtue of the provisions of the two hundred and thirty-first section of the act to which this is a supplement, or otherwise, the supreme court shall or may have in one year past changed the venue to some other county than that in which it is laid in the declaration filed in such cause, unless such change of venue is made because improperly laid in the declaration, the costs and expenses incurred by the county to which such venue is changed, in the trial and disposition of such cause, shall be refunded and paid to such county by the county in which such venue was originally properly laid.

2. *And be it enacted*, That the clerk of the county in which such trial shall or may have taken place, shall tax the costs and expenses incurred by the county, in and by reason of such trial, which taxed bill, when certified to be correct by the justice of the supreme court before whom such trial was had, shall be forwarded to the treasurer or collector of the county from which such venue was changed.

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

Approved March 14, 1878.

CHAPTER LXIX.

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

Section to be amended recited.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section two of the supplement to an act entitled "An act concerning corporations," approved April seventh, eighteen hundred and seventy-five, which reads as follows :

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

Section as amended.

That all companies that may be hereafter established by virtue of this act, and of the act to which this is a supple-

ment, for the purpose of damming rivers and streams in this state, or between this state and any other state, shall have power to construct, erect and maintain dams on rivers and streams of the width as hereinbefore mentioned, at such points on said rivers and streams, and on such heights as may be by them deemed necessary or advisable, not exceeding ten feet above common low water of such rivers and streams; *provided*, that such dams on all navigable rivers shall each have a good and sufficient schute in connection therewith, of not less than one hundred feet in width, to enable rafts and flat boats to pass safely and conveniently down the same; *and also provided*, that said dams shall each be constructed with a fish way for the passage of shad and other fish, which said fish ways shall be constructed and maintained under the supervision and approval of all of the fish commissioners of this state; *and also provided*, that the plans and construction of such dams shall be approved by at least three engineers and experts, to be appointed by the governor of this state on the application of such companies; they shall receive such compensation for their services as shall be fixed by said governor, and any company failing to comply with the provisions of this section shall thereby forfeit the franchises given it by this act.

May construct
and erect dams,
&c.

Proviso.

Proviso.

Proviso.

2. *And be it enacted*, That section ten of said act, which reads as follows:

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

Section to be
amended recited.

10. *And be it enacted*, That every such company may make and issue bonds, with or without coupons attached, bearing interest not exceeding the legal rate of interest, to

Section as
amended.

May issue
bonds.

borrow money or to secure any indebtedness created by them, and sell, exchange or otherwise dispose of the same upon such terms and conditions as they may deem advisable, and such bonds, and the interest thereon, may be secured by a mortgage or mortgages given or executed to a trustee or trustees for the use of the bondholders, upon the corporate franchises, real or personal estate, and all other property of such companies or any part thereof; *provided*, they shall not issue bonds for a greater sum than the amount of their capital stock paid in.

Proviso.

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

Approved March 14, 1878.

CHAPTER LXX.

An Act relating to municipal or other authorities owning or managing works for the supplying of water to the public.

Limited to cities
having a popu-
lation not ex-
ceeding twenty
thousand.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in every city of this state having a population not exceeding twenty thousand, in which the municipal or other authorities own or manage water works and are now empowered and compelled to annually fix a sum to be assessed upon vacant lots and lots with buildings thereon in which water is not taken, such authorities are hereby authorized to use their discretion in each year in fixing or omitting to fix such sum to be so assessed.

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

Approved March 14, 1878.

CHAPTER LXXI.

A Further Supplement to the act entitled "An act to incorporate the chosen freeholders in the respective counties of the state," approved April sixth, eighteen hundred and forty-six.

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, whenever in its opinion the interest of the county will be promoted thereby, to purchase or cause to be purchased with funds raised for the purpose or on hand, and not otherwise appropriated, at prices not above market rates, for the time being, any of the bonds or obligations of such county, issued by such board, as securities for loans, pursuant to law; *provided*, that nothing in this act contained shall authorize the purchase of any bond issued for the purchase or payment for any real estate upon which to erect any county or city buildings; *provided*, that no bonds shall be purchased the validity of whose issue is now in question in any courts of this state.

Board of chosen
freeholders
may purchase
bonds, &c., of
county.

Proviso.

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

Approved March 14, 1878.

CHAPTER LXXII.

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

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the second section of said act, and which reads as follows :

Section to be amended recited.

"2. *And be it enacted*, That one district court shall be established in accordance with this act in every city of this state of fifteen thousand inhabitants, but cities of one hundred thousand inhabitants or over shall be entitled to two district courts; *provided, always*, that no more than two district courts shall at any time be established in any city of this state," be amended so as to read as follows :

Section as amended.

2. *And be it enacted*, That one district court shall be established in accordance with this act in every city of this state of over twenty thousand inhabitants, but cities of one hundred thousand inhabitants or over shall be entitled to two district courts; *provided, always*, that no more than two district courts shall at any time be established in any city of this state.

When two district courts may be established.

Proviso.

Court abolished in cities having less than twenty thousand inhabitants.

2. *And be it enacted*, That any and every district court heretofore established in accordance with the provisions of the act to which this is a supplement, and now existing in any city of this state, having less than twenty thousand inhabitants according to the last census, be and the same is hereby abolished.

Papers and dockets of such court so abolished to be filed in office of county clerk.

3. *And be it enacted*, That within thirty days after this act shall take effect the judge of any district court in any city in this state which is abolished by the second section of this act shall file in the clerk's office of the county in which said city is located all papers and dockets relating to said district court or any suits therein pending or determined, there to remain as records, and that they may be used and certified as other records of said county by said clerk of such county.

4. *And be it enacted*, That this act shall be deemed a public act and shall take effect on the thirtieth day of March, anno domini one thousand eight hundred and seventy-eight. ^{When to go into effect.}
 Approved March 14, 1878.

CHAPTER LXXIII.

A Supplement to an act entitled "An act for the government and regulation of the state prison," approved April twenty-first, eighteen hundred and seventy-six.

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 for the government and regulation of the state prison," approved April twenty-first, eighteen hundred and seventy-six, and which section reads as follows :

"4. *And be it enacted*, That the following rules and regulations for the better ordering of the state prison shall be in force until altered by the legislature, or in the manner hereinafter directed; the said inspectors shall hold stated meetings once a month at the said prison, and special meetings whenever they deem necessary; they shall at their first meeting elect out of their number a president and secretary and two acting inspectors, who shall continue such for so long a term as a majority of said inspectors shall direct; *provided*, that neither the comptroller nor treasurer shall be elected acting inspectors; and at said meeting they shall also elect a suitable person to be the physician of said prison, who shall hold his office for three years and until another is chosen, subject to removal by the unanimous action of the board of inspectors upon good cause shown, and he shall receive such compensation as the board of inspectors or a majority of them shall deem just, to be paid to him quarterly by the treasurer of the state, upon warrant of the comptroller, and upon orders drawn by said inspectors, or any two of them; they shall keep full and regular minutes of their proceedings; they shall have power to make such

Section to be amended re-cited.

Recital con-
tinued.

rules and regulations for the general government and regulation of the state prison and matters relating thereto as they may deem necessary and proper, consistent with the principles of separate confinement, the laws of this state and the independent powers specially given to their officers; and they shall cause the same to be written or printed, and copies thereof to be furnished to the supervisor, the keeper and his deputies and assistants, the moral instructor, physician and clerk of the prison; and all officers and persons connected with the prison shall conform to and obey the same; they shall, from time to time, as often as they think proper, carefully inspect the accounts of the supervisor and examine into his dealings, contracts and transactions in relation to the prison and the business thereof; they shall have power to make general regulations to govern the supervisor in the purchase of materials and supplies, and articles necessary for the prison, the employment and hiring out of the labor of the prisoners, and the sale of articles manufactured or prepared therein; and they may, if they think proper, at any time and by special resolution, require that all or any of such purchases, hirings or sales shall be made by contract, awarded after advertisement to the best bidders, as hereinafter provided; they shall have power to cause such repairs to be made in said prison as may, from time to time, be necessary and proper for the carrying on the business thereof; and the bills thereof shall be audited by the supervisor and approved by the said inspectors, and shall be then presented to and audited by the comptroller, and paid by the treasurer of the state upon the warrant of the comptroller; they shall have power, with the consent of the supervisor, to close up, as they think proper, all contracts in relation to the labor of the prisoners which have now expired by their own limitation or by the conduct of the parties thereto, and which still remain unsettled, and to settle and determine the same and all work thereunder; they shall have general charge of the government and police of the prison, and shall cause such repairs to be made to the said prison and the walls and grounds thereof as may be from time to time necessary and proper, and the expenses of such repairs shall be audited by the comptroller, and on his warrant paid by the treasurer of the state; they shall cause the keeper from time to time to lay before them his accounts

and other books of the prison, and shall carefully inspect and examine the same; they shall have power to examine, under oath or affirmation, any person or persons relative to any abuse or breach of duty in any of the offices of said prison; they shall see that the duties of the supervisor, keeper and the several officers and attendants of the prison are duly performed, and shall prevent all mismanagement, oppression or other abuse; they shall, on the thirty-first day of October in each year, make a report of the state of the prison to the governor, to be by him submitted to the legislature, which report shall contain the number of prisoners in confinement, their age, sex, place of nativity, term of commitment and term of imprisonment, noticing those who have escaped or died, the diseases which have prevailed and proved mortal, and the names of those who have been pardoned or discharged, designating also the offence for which each has been committed, and whether for the first or repeated offence, and by what court or by whose order; they shall have power to remit the cost of prosecution of any prisoner, and any debt due from him to the state for his support in said prison, upon a recommendation from the keeper certifying that such prisoner is, in his opinion, unable to earn more than is sufficient for his clothing and maintenance, or that said prisoner has conducted himself in an orderly and proper manner; a majority of the inspectors shall constitute a quorum for the transaction of business; the acting inspectors shall at least once a week visit the cells or place of confinement of each prisoner out of the presence and hearing of the keeper and all other persons employed in the prison; they shall examine into the truth of all complaints of oppression or ill treatment of the prisoners; on such visits said inspectors shall be furnished by the keepers with a list of all the prisoners, and shall ascertain by actual inspection whether all prisoners named in the list are in the situation therein stated; and they shall make a report of the result of such visits and examinations, and of all such matters and things connected with said prison as they may deem necessary, to the meeting of the inspectors, and oftener if required by them, which report shall be entered in the minutes of said inspectors; if it shall appear by the report of the acting inspectors or otherwise, to the satisfaction of the board of inspectors, that the keeper of

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the prison does not strictly perform his duties, or does in any way mismanage the affairs of the prison, then it shall be the duty of the board forthwith in writing to notify the keeper of their disapproval of such neglect or failure, particularly specifying the conduct, neglect or failure complained of and disapproved; and if said keeper shall continue such conduct, neglect or failure, the board shall report the same forthwith to the governor, and it shall be the duty of the governor thereupon to institute in a summary way such inquiry into the truth of the facts charged as he may think fit; the supervisor, subject to the power, restriction and regulation above given to the board of inspectors, shall have the sole power, except as herein otherwise provided, to regulate and prescribe the work and employment of the prisoners confined in said prison (except in regard to such work as may be necessary, lawful and proper for any of them to be employed in for the general sanitary and household affairs of said prison, which shall be regulated by the keeper); and he shall have power with consent of the board of inspectors to hire out and contract with any person or persons for the labor of the prisoners, or any part of them, for any period not exceeding four years; *provided*, that if any contract shall be for a period extending beyond the term of office of the supervisor making the contract, the said contract shall require to render it valid the approval of the governor or person administering the government of the state for the time being; he may with the consent of the board of inspectors permit any contractor to name and employ an instructor or instructors to direct the work of the prisoners whose labor is contracted for; but such instructor shall be subject to the laws, rules and regulations of the prison, and shall before they enter upon their duties enter into a bond to the supervisor with such penalty and security as he shall deem reasonable for the observance thereof; and if any such shall break any of the said laws, rules and regulations, the keeper or the acting inspectors may report the same to the supervisors, who if satisfied of the truth of the charge shall forthwith discharge the person offending; or if he fails to discharge him the board of inspectors may upon the application of the keeper do so if they think it proper under the circumstances; he shall have the sole power, subject to the power

of restriction and regulation above given to the board of inspectors, to contract for and purchase all clothing, provisions, supplies and other articles required under the laws of the state for the proper support, comfort and maintenance of the prisoners, and the materials and implements for any kind of labor in which they may be employed, and the bills for such purchases shall be approved by the board of inspectors, audited by the comptroller, and upon his warrant paid by the treasurer of the state; and he shall sell and dispose of all articles manufactured or prepared by the prisoners whose labor is not hired out, and shall receive all moneys for the articles sold and work done, and all moneys on the contracts for the labor of the prisoners as the same shall come due, and shall make monthly statements thereof to the comptroller and the board of inspectors, and shall pay over the same monthly to the treasurer of the state, except that he may make petty disbursements thereout for current expenses of the prison where necessity requires, not exceeding one hundred dollars per month nor fifty dollars in any single disbursement, and he shall present the vouchers therefor to the comptroller with his monthly statement, which voucher must be approved by the board of inspectors; he may appoint with the consent of the inspectors one or more agents at any place he may think proper for the sale of articles manufactured in the prison and allow them reasonable commissions, and he may, subject as aforesaid, if he thinks proper, advertise for proposals or bids for contracts for the labor of the prisoners, or any part of them, or the purchase of any articles manufactured or prepared in the prison, or for the furnishing of any clothing, provisions, materials or other articles of any kind required for the use of the prison, or the maintenance, support or employment of the prisoners; and such advertisement shall be made for at least thirty days, in at least three newspapers published in this state, and the contracts made thereon shall be with the best bidders, subject to approval as hereinbefore required; he shall cause full and regular accounts of the stock, materials, tools and implements, provisions, clothing and supplies and other articles by him purchased and supplied to the prison, and of all the articles manufactured or prepared therein, and sold or disposed of, and the sums for which they were sold and to whom, to be entered and kept

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by the clerk of the prison under his supervision in books provided for the purpose, and he shall close his accounts for each year on the thirty-first day of October in each year, and shall have them ready for examination and settlement on the second Tuesday of November following, and shall lay the same before the board of inspectors, the committee appointed by the legislature to settle the accounts of the state prison, and the legislature itself, at such times as it shall direct; if, in the opinion of the board of inspectors, the supervisor shall be at any time wilfully or repeatedly guilty of misconduct in his office, or of gross or continued neglect and failure properly to discharge the duties thereof, they may immediately petition the governor to institute proceedings for his removal from office; and it shall be the duty of the governor, upon such petition being presented to him, to call a meeting of the officers by whom it is provided that the supervisor shall be appointed, and they shall institute in a summary way such inquiry into the truth of the facts charged as they shall think fit; and if upon hearing the allegations of the board, and the defence, if any, of the supervisor, they shall be of opinion that the said supervisor should be removed from his office, they shall thereupon remove him, and his appointment, commission and office shall thereupon be vacated, and all his authority and power as supervisor or by virtue of his office shall immediately cease, and his successor shall be appointed according to law; the keeper of said prison shall receive from the hands of the sheriff or other proper officer every person convicted under the laws of this state, and sentenced to imprisonment and hard labor for any term not less than six months, and safely keep him in his said prison according to the laws of this state and the rules and regulations of the prison, until he is discharged according to law; he shall receive and safely keep in said prison, at the expense of the United States, all persons committed under the authority of the United States until they shall be discharged in the due course of the laws thereof; he shall visit every cell and apartment in the prison at least twice a week, and shall, at least once in each week, make a close and critical examination of each cell, to ascertain whether any prisoner is attempting to escape; he shall keep a journal, in which shall be regularly entered the reception, discharge, death, pardon, or escape of every prisoner,

and also the complaints that are made and the punishments that are inflicted for the breach of prison discipline as they occur, the visits of the inspectors and physicians, and such other occurrences of importance as concern the state of the prisoner; he shall not absent himself from the prison, except on business of the prison, without permission in writing from two of the inspectors, but the board of inspectors may, by rule, make such modification or alteration in this item as they may find necessary from time to time; he shall, at the expense of the state, furnish each prisoner with a copy of the Bible and such other books as he, with the approbation of the acting inspectors, may deem useful in producing the moral reformation of the convicts; he shall suffer no letter or communication in writing to be conveyed or delivered to or for any prisoner, or from him, without first inspecting and approving it; if any prisoner shall escape, the keeper shall, with the consent of the governor, advertise a reasonable reward for his or her apprehension, and take all proper measures to effect his arrest; of all which he shall make a written report to the board of inspectors at their next meeting, which reward shall be paid by the treasurer of this state, upon warrant of the comptroller, upon an order drawn by the acting inspectors; he shall on Sunday, at all proper hours, admit to the hall of the prison a sufficient number of pious, intelligent persons, competent to give instruction to the prisoners in the doctrines of the Christian religion, and desiring to be admitted for that purpose, and shall, with his deputies, give such persons every attention and aid to enable them to perform that office in a suitable manner; he shall assign to each deputy keeper a certain number of prisoners, to be under the particular care of such deputy for such length of time as he shall direct; he shall obey the instructions of the physician with regard to the treatment and disposition of the sick prisoners, unless inconsistent with their safe keeping; it shall not be lawful for the keeper of the state prison, or for any other officer thereof, to furnish any entertainment of food, liquors or refreshments to any officer, inspector or inspectors, or to any visitor or visitors, official or otherwise, of the said prison, at the expense of the state; to enable the keeper to pay to the convicts such sums as they are by law to receive on their discharge, the sum of two thousand dollars shall be paid to him each year by the

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treasurer, on the warrant of the comptroller; and if said sum shall be exhausted at any time during the year, the treasurer may, on the warrant of the comptroller, make an additional payment of such sum as the keeper may think requisite for such purposes; and any portion of this deposit not expended shall be paid over to the treasurer by the keeper each year, on or before the thirty-first day of October, at which time the keeper shall furnish to the comptroller a detailed statement of the moneys expended for this purpose during the fiscal year; it shall be the duty of each deputy keeper to inspect the condition of each prisoner under his care at least three times a day, to see that the meals are regularly furnished according to the prison allowance and to superintend the work of the prisoners, and at least once a day make a close and critical examination of each cell to ascertain whether any prisoner is attempting to escape; the deputy keepers on guard at night shall at least once, between midnight and five o'clock in the morning, inspect the exterior walls of the ranges of the cells and the main building; whenever any prisoner shall complain of sickness to any deputy keeper he shall give immediate notice to the principal keeper; each deputy shall give full and particular care and attention to the prisoners assigned to his charge by the principal keeper, and shall make a daily report to the keeper of their health and conduct and a like report to the inspectors when required; the deputy keepers shall punctually and promptly obey all legal orders given by or through the principal keeper and all rules established for the government and regulation of the prison; the deputy keepers shall not absent themselves from the prison without the permission of the principal keeper; all orders to the deputy keepers must be given by or through the principal keeper; they shall not converse with the prisoners further than may be absolutely necessary for the performance of their duties, and shall in no case give information to any prisoner of anything that occurs out of his cell; they shall not furnish any prisoner nor permit a prisoner to have in his cell any other article than such as is allowed by the rules of the prison; they shall not deliver to or receive from any prisoner, any letter, communication in writing or message but to or from the principal keeper; the principal keeper shall designate one of the deputy keepers to act in his stead, in case of his absence from the prison, and all the

duties and powers of the principal keeper, so far as the same relates to the safe keeping of the prisoners and the discipline of the prison, shall devolve upon and be executed by the deputy keeper so designated until the principal keeper returns to the prison; the physician shall visit each prisoner once in each week, and as much oftener as the state of the health of any prisoner may in his opinion require it, and shall report once in each month to the board of inspectors; he shall attend immediately on being notified that any prisoner is sick; he shall give such directions for the sanitary condition of the prison, for the health and cleanliness of the prisoners, and when necessary for such alteration in their diet as he shall deem proper; all of which the principal keeper shall observe and cause to be obeyed, unless the same shall be contrary to law or inconsistent with the safe custody of the prisoners; the clerk of the prison shall be appointed by the inspectors and shall hold office for three years, and until another be chosen, subject to removal by their action; he shall keep the books and accounts of the prison, and of each prisoner, and perform the necessary and proper writing of the establishment under the direction of the supervisor, inspectors and keeper; he shall receive such compensation as the inspectors shall deem just, to be paid to him upon orders drawn by the inspectors and the warrant of the comptroller, by the treasurer of the state; each convict upon being received at the prison, shall be examined by the principal keeper, clerk, and as many of the deputy keepers as can conveniently attend, in order to their becoming acquainted with the person and countenance of such convict, his or her name, height, apparent and alleged age, place of nativity, trade, complexion, color of hair and eyes, and length of feet, together with such natural and other marks, and such peculiarity of features or appearance, as may serve to identify such convict; all of which shall be entered in a book provided for that purpose, and if the convict can write he or she shall sign his or her name under such description of his or her person; and in such description shall be stated the clothes and other articles brought to the prison by such convict, all of which shall be taken from him and carefully preserved to be restored to him at the time of his discharge, unless they shall be otherwise disposed of by order of the inspectors; every convict shall be confined in one of the cells

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of the prison, separate and alone, except in such cases of sickness as are by this act provided for, and shall be comfortably clothed in habits of coarse materials, uniform in color and make; the males shall have their hair cut short at least once a month, and their beards close shaven at least once in every week; each convict shall be sustained upon plain food, at the discretion of the keeper, with the approbation of the inspectors, and shall every day except Sunday be kept, as far as may be consistent with their sex, age, health and ability, strictly at hard labor of some sort in which the work is least liable to be spoiled by ignorance, neglect or obstinacy, and in which the materials cannot be easily embezzled or destroyed; if the work to be done requires previous instruction or constant oversight of the convict, the keeper shall, with the approbation of the board of inspectors, employ suitable persons for the purpose, and a just compensation, fixed by said board, shall be paid them by the treasurer upon orders drawn by the keeper and certified by the comptroller; in order to encourage industrious and proper habits, a separate account shall be opened and kept in books provided for that purpose for each convict, in which he shall be credited with the amount of labor performed by him, and above what, in the opinion of the keeper and acting inspectors, he ought to perform, due regard being had to his ability for labor; which sums so credited shall at the discharge of such convict be paid to him or laid out in decent raiment for him, or otherwise applied to his use, as the acting inspectors shall direct; but no credit shall be given for overwork to any convict whose whole weekly earnings do not exceed the whole weekly expense of his maintenance in the prison; no convict shall be employed to act as under-keeper; nor shall any convict act as clerk, cook or servant in the said prison, except in such manner as is consistent with the principles of separate confinement; no convict shall receive or have any other clothing or food than is prescribed by law and the rules of the prison; the convicts shall be supplied, as far as practicable and consistent with the interests of the state, with articles manufactured by the prisoners; no person shall take anything into or out of the prison for any prisoner without the consent of the keeper; if the physician shall report to the keeper that any prisoner is in such a situation as to need the care of a nurse, the keeper may, with

the approbation of the acting inspectors, employ one of the prisoners as nurse so long as the physician shall deem necessary; and whenever, in the opinion of the physician, the enlargement of any prisoner confined in the cells of said prison shall be absolutely necessary to the preservation of life, the keeper shall from time to time, and for such length of time as the physician shall direct, cause said prisoner to be removed from his or her cell; but the prisoner shall in every such case be kept from the society of the other prisoners, except such as may attend as nurses, and shall in no case be permitted to go beyond the walls of the prison; if any deputy keeper shall report that any prisoner has violated any of the rules and regulations for the government of the prison, the keeper shall have before him said prisoner and deputy keeper who charges him with such offence, and shall inquire into such charges, adjudge the case, and award such measures of punishment as he may deem proper, not exceeding close confinement in a dark cell, on bread and water, with chain on the leg or handcuffs, or both, for six days; and if, in his opinion, the convict should receive further punishment, he shall refer the case to the acting inspectors, who shall order such further punishment as they shall think proper; *provided*, that corporal punishment shall in no case be inflicted; if a prisoner entitled to his discharge, by expiration of his term of confinement or by pardon, shall be laboring under an acute or dangerous disease, so as to render him, in the opinion of the physician, unable to take care of himself, or unfit to be set at large, he shall not be discharged except at his own request, until the physician shall deem that it may be done with safety to the prisoner and others; upon the discharge of each prisoner who has not money to the amount of five dollars, the keeper shall pay him any sum not exceeding that amount out of the moneys of the state, to the end that all temptation to commit offences against society before employment or the means of living can be procured may be removed; each prisoner, upon his discharge, shall take off the prison dress and have restored to him the clothes and all other articles which he brought to the prison, and which were then taken from him, unless the same have been sold or disposed of by the keeper, under the direction of the inspectors; and then such prisoner shall have the value thereof paid to him by

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the keeper; the official visitors of the state prison shall be the governor, the members of the legislature, the secretary of state, the chancellor, the six judges of the court of errors and appeals, the justices of the supreme court and the attorney general; the official visitors may at any time visit the said prison and examine the same and the cells thereof, and the keeper shall give them every facility for so doing; the board of inspectors shall make such rules and regulations and give the keeper such authority respecting the admission of other visitors than the official visitors as they shall deem proper," be and the said fourth section is hereby amended by adding to article two of said section the following proviso:

Section as
amended.

Manufacture of
hats prohibited.

Provided, That nothing in this section shall be deemed or taken or construed to authorize said supervisor or board of inspectors to contract with any person or corporation to hire or contract out the labor of the prisoners, or any part of them, in or about the business of the making or manufacture of felt and silk hats, or the manufacture of any part or parts thereof.

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

Approved March 14, 1878.

CHAPTER LXXIV.

An Act in relation to townships the territorial boundaries of which are the same as those of incorporated cities.

When bounda-
ries of town-
ships are to be
abolished.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever the territorial boundaries of any city incorporated by the laws of this state shall be the same as the territorial boundaries of any township, the said townships shall be and the same are hereby abolished; that the township committee and collector of said townships elected or appointed shall remain in and perform the duties of their respective offices until a settle-

ment of the accounts of said townships can be made which shall not exceed the period of four months after their term of office for which they may have been elected shall have expired after which the common council or other corporate body and collectors of said cities shall have the same powers and perform the same duties as the township committee and collectors of such townships are now required to perform.

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

Approved March 15, 1878.

CHAPTER LXXV.

Supplement to an act entitled "An act for the organization of the national guard of the state of New Jersey," approved March ninth, one thousand eight hundred and sixty-nine, and the various amendments thereto.

"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, which reads as follows :

"2. *And be it enacted*, That the rifle corps of this state and the present organized uniformed militia shall be included in the national guard," be and the same is hereby repealed.

2. *And be it enacted*, That section three of the act to which this is a supplement, which reads as follows :

"3. *And be it enacted*, That the commander-in-chief hereby authorized and empowered to proceed at once to organize the national guard in conformity to this act," be and the same is hereby repealed.

3. *And be it enacted*, That section nineteen of the act to which this is a supplement, which reads as follows :

"19. *And be it enacted*, That the treasurer of the state be and he is hereby authorized and directed to pay a salary at the rate of five hundred dollars a year to the armorer, in quarterly payments, and one dollar and twenty-five cents per

day to one assistant in like manner, so long as they shall be actually employed in repairing and keeping in order the arms and equipments of the state, upon warrants drawn by the quartermaster general and approved by the commander-in-chief," be and the same is hereby repealed.

Repealer.

4. *And be it enacted*, That section forty of the act to which this is a supplement, which reads as follows :

Section to be repealed recited.

"40. *And be it enacted*, That the commander-in-chief shall have full power, at his discretion, to make such disposition of the interest of the state in the uniforms issued heretofore to the militia and rifle corps of this state, as he shall deem most for the benefit of the militia service of the state, having due regard to the claims by way of part payment on the same in favor of those to whom they have been issued," be and the same is hereby repealed.

Repealer.

5. *And be it enacted*, That section forty-two of the act to which this is a supplement, which reads as follows :

Section to be repealed recited.

"42. *And be it enacted*, That every company of the national guard shall be paraded at least twelve times in every year, and at least one of its parades shall be by brigade," be and the same is hereby repealed.

Repealer.

6. *And be it enacted*, That section forty-four of the act to which this is a supplement, which reads as follows :

Section to be repealed recited.

"44. *And be it enacted*, That in addition to the number of days for drill, now required by law, all the national guard may, once in three years, when so ordered by the governor, be required to attend an encampment at such time and place as the commander-in-chief may appoint, which encampment shall continue at least six days, during which time the troops shall be exercised in company and battalion movements and target practice, and be carefully instructed in the whole routine of camp and field duty," be and the same is hereby repealed.

Repealer.

7. *And be it enacted*, That section eighty-three of the act to which this is a supplement, which reads as follows :

Section to be repealed recited.

"83. *And be it enacted*, That all laws now existing, imposing military tax, are hereby repealed," be and the same are hereby repealed.

Repealer.

8. *And be it enacted*, That the second section of the supplement of the act to which this is a supplement, which was approved March thirtieth, one thousand eight hundred and seventy-six, which reads as follows :

“2. *And be it enacted*, That the commander-in-chief may appoint six additional aides-de-camp, with the rank of colonel, upon his staff, whose term of service shall expire with that of the commander-in-chief appointing them,” be and the same is hereby repealed.

Section to be repealed recited.

Repealer.

9. *And be it enacted*, That the fourth section of the act to which this is a supplement, which reads as follows :

“4. *And be it enacted*, That the national guard shall be officered as follows, and not otherwise : The governor shall be commander-in-chief ; his staff shall be as follows : four aides-de-camp, with the rank of lieutenant colonel, whose term of service shall expire with that of the governor ; one adjutant general, with the rank of brigadier general ; one quartermaster general, with the rank of brigadier general ; one surgeon general, with the rank of brigadier general ; one inspector general, with the rank of colonel of cavalry ; one judge advocate general, with the rank of colonel of cavalry ; one assistant adjutant general, with the rank of colonel of cavalry ; the quartermaster general shall be acting commissary general, and the inspector general shall be acting paymaster general ; there shall be a major general of division ; his staff shall be as follows : three aides-de-camp, each with the rank of major ; one inspector, with the rank of colonel ; one assistant adjutant general, with the rank of colonel ; one surgeon, with the rank of colonel ; one paymaster, with the rank of lieutenant colonel, and one quartermaster, with the rank of lieutenant colonel ; there shall be one brigadier general to each brigade ; his staff shall be as follows : one inspector, with the rank of lieutenant colonel ; one assistant adjutant general, with the rank of lieutenant colonel ; one quartermaster, with the rank of major ; one surgeon, with the rank of major ; one paymaster, with the rank of major ; two aides-de-camp, with the rank of captain ; to each regiment there shall be one colonel, one lieutenant colonel and one major ; to each battalion there shall be one major ; the regiment or battalion staff shall consist of one adjutant, with the rank of first lieutenant ; one quartermaster, with the rank of first lieutenant ; one paymaster, with the rank of first lieutenant ; one surgeon, with the rank of major ; one assistant surgeon, with the rank of first lieutenant ; one chaplain, to rank as captain ; one sergeant major ; one quartermaster sergeant, one commissary sergeant and

Section to be amended recited.

one principal musician ; to each company there shall be one captain, one first lieutenant, one second lieutenant, five sergeants, five corporals, two musicians, and not less than forty nor more than eighty privates," be amended so as to read as follows :

Section as amended.

National guard, how officered.

4. *And be it enacted*, That the national guard shall be officered as follows, and not otherwise: the governor shall be commander-in-chief; his staff shall be as follows: six aides-de-camp, with the rank of colonel, whose term of service shall expire with that of the governor; one adjutant general, with the rank of brigadier general; one quartermaster general, with the rank of brigadier general; one surgeon general, with the rank of brigadier general; one inspector general, with the rank of brigadier general; one judge advocate general, with the rank of colonel of cavalry; one assistant adjutant general, with the rank of colonel of cavalry; the quartermaster general shall be acting commissary general, acting paymaster general and acting chief of ordnance; there shall be a major general of division; his staff shall be as follows: three aides-de camp, each with the rank of major; one inspector, with the rank of colonel; one assistant adjutant general, with the rank of colonel; one surgeon, with the rank of colonel; one paymaster, with the rank of lieutenant colonel; one quartermaster, with the rank of lieutenant colonel; one judge advocate, with the rank of lieutenant colonel; there shall be one brigadier general to each brigade; his staff shall be as follows: one assistant adjutant general, with the rank of lieutenant colonel; one inspector, with the rank of lieutenant colonel; one surgeon, with the rank of lieutenant colonel; one quartermaster, with the rank of major; one paymaster, with the rank of major; one judge-advocate, with the rank of major; two aides-de-camp, with the rank of captain; to each regiment there shall be one colonel, one lieutenant colonel, and one major; to each battalion there shall be one major; the regiment or battalion staff shall consist of one adjutant, with the rank of first lieutenant; one quartermaster, with the rank of first lieutenant; one paymaster, with the rank of first lieutenant; one surgeon, with the rank of major; one assistant surgeon, with the rank of first lieutenant; one chaplain, with the rank of captain; one judge-advocate, with the rank of captain; one sergeant-major, one quartermaster sergeant, one commissary

sergeant, one hospital steward, one principal musician, one color sergeant and two general guides, each with the rank of sergeant; to each infantry company there shall be one captain, one first lieutenant, one second lieutenant and not less than fifty or more than eighty enlisted men, from which number of enlisted men there may be selected not more than one first sergeant, four sergeants, five corporals and two musicians; to each artillery company there shall be one captain, two first lieutenants, two second lieutenants and not less than fifty or more than one hundred and fifty enlisted men, from which number of enlisted men there may be selected not more than one first sergeant, five sergeants, eight corporals and two musicians.

10. *And be it enacted*, That the eleventh section of the act to which this is a supplement, which reads as follows :

“ 11. *And be it enacted*, That any commissioned officer wishing to resign shall to that end make application in writing, if a line officer, to the commandant of his regiment or battalion; if a field officer, to the commandant of brigade; if a brigadier general, to the commandant of division; if a commandant of division, to the commander-in-chief; if a staff officer, to the officer upon whose staff he serves; and if a sufficient reason for such resignation appear to the officer to whom such application is made, he shall so certify by written indorsement on such application, and transmit such application through the proper channels to the adjutant general, who shall file the same in his office, and thereupon such resignation shall be held to have been accepted and the commission to be void; no commissioned officer shall be permitted to resign except in the manner herein prescribed,” be amended so as to read as follows :

11. *And be it enacted*, That any commissioned officer wishing to resign shall to that end make application in writing to the adjutant general of the state through the proper channels; and if a sufficient reason for such resignation appear to each commanding officer to whom such application is presented, he shall so certify by approval thereon and transmit the same to the adjutant general, who shall file it in his office, and issue an order announcing the acceptance of the resignation, and the commission shall thereupon be void; no commissioned officer shall be permitted to resign except in the manner herein prescribed.

Section to be amended recited.

Section as amended.

Relative to resignations.

11. *And be it enacted*, That the thirteenth section of the act to which this is a supplement, which reads as follows :

Section to be amended recited.

“13. *And be it enacted*, That whenever the office of brigadier general shall from any cause be vacant, the major general of division shall give notice of an election to be held to fill the vacancy; he shall preside at the election, and shall immediately certify its result to the commander-in-chief; whenever the office of colonel, lieutenant colonel or major of a regiment or battalion shall be vacant, the commandant of the brigade to which such regiment or battalion belongs, shall in like manner give notice of, preside at, hold and certify the result of the election; whenever the office of captain or lieutenant of a company shall be vacant, the commanding officer of the regiment or battalion to which such company belongs shall give notice of an election to fill such vacancy, and he shall hold accordingly and preside at the election, and certify its result to the commander-in-chief,” be amended so as to read as follows :

Section as amended.

Vacancies, how filled.

13. *And be it enacted*, That whenever the office of brigadier general shall from any cause be vacant, the major general of division shall give notice of an election to be held to fill the vacancy; he shall preside at the election, and shall immediately certify its result to the adjutant general; whenever the office of colonel, lieutenant colonel or major of a regiment or battalion shall be vacant, the commandant of the brigade to which such regiment or battalion belongs shall in like manner give notice of, preside at, hold and certify the result of the election; whenever the office of captain or lieutenant of a company shall be vacant, the commanding officer of the regiment or battalion to which such company belongs shall give notice of an election to fill such vacancy, and he shall hold accordingly and preside at the election, and certify its result to the adjutant general.

12. *And be it enacted*, That the fourteenth section of the act to which this is a supplement, which reads as follows :

Section to be amended recited.

“14. *And be it enacted*, That when there shall not be an officer qualified to hold an election as prescribed in this act, the division commander shall issue his warrant to any officer whom he may select to hold such election, who shall give notice of and conduct it in all respects as hereinbefore prescribed, and he shall certify its results to the commander-in-chief,” be amended so as to read as follows :

14. *And be it enacted*, That when there shall not be an officer qualified to hold an election as prescribed in this act, the division commander shall issue his warrant to any officer whom he may select to hold such election, who shall give notice of and conduct it in all respects as hereinbefore prescribed, and he shall certify its results to the adjutant general.

Section as amended.
Elections.

13. *And be it enacted*, That the fifteenth section of the act to which this is a supplement, which reads as follows :

“15. *And be it enacted*, That the governor and commander-in-chief be and he is hereby authorized to confer upon such citizens of this state, not exceeding three, as shall have served long and meritoriously as adjutant general, quartermaster general or brigadier general of the national guard, the rank of brevet major general ; *provided*, that the governor shall nominate the said officers to the senate, and the rank shall be conferred by and with the advice and consent of the senate ; and all other laws authorizing the conferring of brevet rank in the militia are hereby repealed ; the rank heretofore conferred under them, however, is not to be affected by this repeal, but the commissions issued on the same are to be and remain in full force,” be amended so as to read as follows :

Section to be amended recited.

15. *And be it enacted*, That the governor and commander-in-chief be and he is hereby authorized to confer upon such citizens of this state as shall have served long and meritoriously as adjutant general, quartermaster general or brigadier general of the national guard, the rank of brevet major general ; *provided*, that the governor shall nominate the said officers to the senate, and the rank shall be conferred by and with the advice and consent of the senate ; and all other laws authorizing the conferring of rank of brevet major general in the militia are hereby repealed ; the rank heretofore conferred under them, however, is not to be affected by this repeal, but the commissions issued on the same are to be and remain in full force.

Section as amended.

Rank of brevet.

Proviso.

14. *And be it enacted*, That the eighteenth section of the act to which this is a supplement, which reads as follows :

“18. *And be it enacted*, That the quartermaster general shall upon the application of the commandant of any corps of the national guard who are uniformed according to law, furnish from the state arsenal, when in his opinion they can be spared without manifest injury to the service of

Section to be amended recited.

Recital con-
tinued.

the state and of the United States, the number and kind of arms and equipments suited to the corps, he being first satisfied that the said corps is provided with a proper depository for such arms and equipments; and he shall require the commanding officers of the company to give bond, with sufficient security, that the same shall not be loaned nor suffered to go out of the possession of the company and shall be kept in good order and returned to the state arsenal when he shall so require; it shall be his duty carefully to compare the returns made by the respective brigade inspectors of the number and condition of public arms and equipments in the respective regiments and battalions inspected, with the numbers actually loaned to the respective companies in such regiments or battalions; and if the number does not appear on the respective returns, or their good condition is not manifested, the said quartermaster general shall cause the public arms and equipments of such companies to be returned to his care; he may require all arms belonging to the state deposited in any place or in possession of any person or persons, not under lawful responsibility, to be returned to the arsenal, and he is hereby required to keep any arms and equipments so returned separate from those already in the arsenal; it shall be the duty of the quartermaster general the first week of every session of the legislature to lay before them a return of the number and condition of the arms and equipments belonging to the state, the number loaned out, in whose hands, and whether they remain under proper responsibilities, including in said return all camp equipage in his charge; and he is authorized to require from the respective brigade inspectors such particular returns as may give every information requisite fully to carry this section into effect; he shall require annual returns from the captain or commanding officer of every uniformed corps furnished with arms and equipments, the property of the state, on or before the first day of December of each year of the actual situation, condition and number of the arms and accoutrements, and the number of men actually enrolled, equipped and in uniform doing military duty of the respective corps; and in case of failure of such commanding officer to make such returns, or if the number of arms loaned to such corps does not fully appear on the respective returns, or their good condition is not manifest, the quartermaster

general shall cause the said arms and equipments to be returned to his care; he may from time to time issue such orders and make such regulations as he may deem necessary and proper for the care and safe keeping and return of the military property of the state in the use of the uniformed companies; he may issue to any officer the arms and accoutrements required by him for his use in the military service of the state on payment of the regulation price, said price to be placed to the credit of the arsenal and accounted for by the quartermaster general in his annual report; he shall furnish upon due requisition such arms, ordnance and accoutrements, equipments or implements therewith, ammunition, tents, camp equipage or other state property, and such subsistence and forage, to conform as nearly as may be to the rations and forage prescribed for the armies of the United States, to be issued in kind as may be required at any time for the use and supply of the state forces, at any parade, encampment or station, or as may be required by them when on actual service; he is hereby authorized to nominate and appoint by and with the advice and consent of the commander-in-chief, from time to time a suitable person as armorer or keeper of the state arsenal, to take charge of the said arsenal, to repair and keep in good and proper order the arms and equipments belonging to this state, that now are or may hereafter be placed under his charge, and the said armorer shall be responsible to the quartermaster general for the safe keeping of the said arms and equipments," be amended so as to read as follows:

18. *And be it enacted*, That the quartermaster general shall, upon the application of the commandant of any corps of the national guard, who are uniformed according to law, furnish from the state arsenal, when in his opinion they can be spared without manifest injury to the service of the state, and of the United States, the number and kind of arms and equipments suited to the corps, he being first satisfied that the said corps is provided with a proper depository for such arms and equipments; and he shall require the commissioned officers of the company to give bond, with sufficient security, that the same shall not be loaned nor suffered to go out of the possession of the company, and shall be kept in good order, and returned to the state arsenal when he shall so require; it shall be his duty carefully to examine

Recital continued.

Section as amended.

Quartermaster general to furnish from state arsenal arms and equipments.

Security to be given for return of arms, &c.

May require arms, &c., to be returned to state arsenal.

Annual returns to be made by captain or commanding officer

May issue arms on payment of the regulation price.

the returns made to the adjutant general's office of the number and condition of public arms and equipments in the respective regiments and battalions, with the numbers actually loaned to the respective companies in such regiments or battalions; and if the number does not appear on the respective returns, or their good condition is not manifested, the said quartermaster general shall cause the public arms and equipments of such companies to be returned to his care; he may require all arms belonging to the state, deposited in any place or in possession of any person or persons, not under lawful responsibility, to be returned to the arsenal, and he is hereby required to keep any arms and equipments so returned separate from those already in the arsenal; it shall be the duty of the quartermaster general to make an annual report to the governor and commander-in-chief of the number and condition of the arms and equipments belonging to the state, the number loaned out, in whose hands, and whether they remain under proper responsibilities, including in said return all camp equipage in his charge; and he is authorized to require from the respective inspectors of brigade such particular returns as may give every information requisite fully to carry this section into effect; he shall require annual returns from the captain or commanding officer of every uniformed corps, furnished with arms and equipments, the property of the state, on or before the first day of October in each year, of the actual situation, condition, and number of the arms and accoutrements, and the number of men actually enrolled, equipped and in uniform, doing military duty, of the respective corps; and in case of failure of such commanding officer to make such returns, or if the number of arms loaned to such corps does not fully appear on the respective returns or their good condition is not manifest, the quartermaster general shall cause the said arms and equipments to be returned to his care; he may from time to time issue such orders and make such regulations as he may deem necessary and proper for the care and safe keeping and return of the military property of the state in the use of the uniformed companies; he may issue to any officer the arms and accoutrements required by him, for his use in the military service of the state, on payment of the regulation price, said price to be placed to the credit of the arsenal, and accounted for by the quartermaster gen-

eral in his annual report; he shall furnish, upon due requisition, such arms, ordnance and accoutrements, equipments or implements therewith, ammunition, tents, camp equipage or other state property, and such subsistence and forage, to conform as nearly as may be to the rations and forage as shall be prescribed by regulation of this state, to be issued in kind or commuted as may be required at any time for the use and supply of the state forces, at any parade, encampment or station, or as may be required by them when on actual service; he is hereby authorized to nominate and appoint, by and with the advice and consent of the commander-in-chief, from time to time, a suitable person as armorer or keeper of the state arsenal, to take charge of the said arsenal, to repair and keep in good and proper order the arms and equipments belonging to this state, that now are or may hereafter be placed under his charge, and the said armorer shall be responsible to the quartermaster general for the safe keeping of the said arms and equipments.

Appointment
of keeper of
state arsenal.

15. *And be it enacted*, That the governor and commander-in-chief be and he is hereby authorized to appoint and commission at his discretion, as in his judgment the public service may require, one assistant quartermaster general with the rank of colonel of cavalry and two deputy quartermasters with the rank of major of cavalry.

Appointment
of assistant
quartermaster
general.

16. *And be it enacted*, That in addition to their duties in the field it shall be the duty of the assistant quartermaster general and deputy quartermasters, whenever directed by the quartermaster general to purchase quartermaster and commissary stores and other articles requisite for the national guard when on active service, and generally to procure and provide means of transportation for the troops, their stores, artillery and camp equipage.

Duty of assist-
ant quartermaster
general and deputy
quartermasters.

17. *And be it enacted*, That the governor and commander-in-chief be and he is hereby authorized to cause to be sold any ordnance, arms, ammunition, or other military stores or subsistence, or medical supplies, which upon proper inspection or survey shall appear to be damaged, or otherwise unsuitable for the public service, whenever in his opinion the sale of such unserviceable stores will be advantageous to the public service.

Governor may
cause to be sold
unserviceable
stores, arms, &c.

18. *And be it enacted*, That the inspection or survey of the unserviceable stores shall be made by such officer or

Inspection of
unserviceable
stores, by whom
made.

officers as the governor and commander-in-chief may appoint for that purpose, and the sales shall be made under such rules and regulations as may be prescribed by the governor and commander-in-chief.

19. *And be it enacted*, That the twenty-first section of the act to which this is a supplement, which reads as follows :

Section to be
amended reci-
ted.

“21. *And be it enacted*, That it shall be the duty of the inspector general to attend such brigade reviews and parades as the commander-in-chief may direct, and from the returns of brigade inspectors make a report of the condition of the national guard to the adjutant general on or before the first day of December in every year; he shall have power to inspect all armories, arsenals or military storehouses, and as acting paymaster general all accounts of paymasters, and report the condition of the same at any time to the adjutant general for his action,” be amended so as to read as follows :

Section as
amended.

Duty of the in-
spector general.

21. *And be it enacted*, That it shall be the duty of the inspector general to attend such brigade reviews and parades as the commander-in-chief may direct, and from the returns of inspectors of brigades make a report of the condition of the national guard to the adjutant general on or before the first day of July in every year; he shall forward one copy of all inspections made of the national guard to the office of the adjutant general and one copy to the headquarters of the national guard.

20. *And be it enacted*, That the second section of the supplement to the act to which this is a supplement, which was approved April fourth, eighteen hundred and seventy-three, and which reads as follows :

Section to be
amended reci-
ted.

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

Amendment.

Muster and in-
spection rolls to
be furnished.

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

21. *And be it enacted*, That the twenty-second section of

the act to which this is a supplement, which reads as follows :

" 22. *And be it enacted*, That it shall be the duty of the division inspector to see that the brigade inspectors make proper inspections, and transmit to him due returns of the same," be amended so as to read as follows ;

22. *And be it enacted*, That it shall be the duty of the inspector of the division to see that the inspectors of brigades make proper inspections and returns, and he shall examine them, return if necessary for correction, approve the same and forward to the inspector general.

22. *And be it enacted*, That the twenty-third section of the act which this is a supplement, which reads as follows :

" 23. *And be it enacted*, That it shall be the duty of the brigade inspectors to once a year attend the brigade, regimental and battalion reviews, parades and musters of their respective brigades of the national guard, and to inspect their arms, ammunition and accoutrements ; each brigade inspector shall make returns annually, on or before the first day of December in every year, to the inspector general of the state, of the brigade to which he belongs, reporting therein particularly the name of the reviewing officer, the actual condition of the arms, ammunition and accoutrements, their armories and storehouses, and every other thing which in his judgment may relate to their government, and the general advancement of good order and military discipline ; in case of the absence of the brigade inspector, the commanding officer present at the inspection shall appoint some officer to perform the duties thereof ; it shall be the duty of the respective brigade inspectors, in the annual returns required from them, to make a particular statement of the companies in uniform, their arms and equipments, likewise the arms and equipments, if any, belonging to the state, which may have been loaned to the brigade, or to any companies within the bounds thereof, or that may have been purchased with money arising from fines levied within their respective brigades," be amended so as to read as follows :

23. *And be it enacted*, That it shall be the duty of the inspectors of brigade to once a year attend the brigade, regimental and battalion reviews, parades and musters of their respective brigades of the national guard, and to inspect their arms, ammunition and accoutrements ; each inspector

Annual returns to be made. of brigade shall make returns annually, on or before the first day of June in every year to the inspector of division, of the brigade to which he belongs, reporting therein particularly the name of the reviewing officer, the actual condition of the arms, ammunition and accoutrements, their armories and storehouses, and every other thing which in his judgment may relate to their government, and the general advancement of good order and military discipline; in case of the absence of the inspector of brigade, the commanding officer present at the inspection shall appoint some officer to perform the duties thereof; and they shall be entitled to transportation and pay according to their rank for the number of days actually on duty while making inspection, to be certified by the brigade commander.

23. *And be it enacted*, That the third section of the supplement to the act to which this is a supplement, which was approved April fourth, eighteen hundred and seventy-three, and which reads as follows:

Section to be amended recited.

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

Section as amended.

3. *And be it enacted*, That the annual inspection of each company of the national guard shall be made by the inspector of brigade between the first day of May and the twentieth

day of May except that whenever any regiment or battalion is unattached to any brigade, the inspector general be and he is hereby authorized to detail any field or line officer of the national guard to inspect such unattached regiment or battalion, at which inspection there shall be furnished by each company commander to the inspector, muster rolls in triplicate of the company, which rolls shall have endorsed thereon a certificate of the commanding officer of the average present at all company drills and parades throughout the year, which muster rolls shall then be examined by the inspecting officer and by him certified, and the three copies disposed of as follows: one shall be sent to the regimental or battalion commandant and two forwarded by the brigade inspector or the inspecting officer to the inspector of division.

Annual inspection of each company to be made by the inspector of brigade.

24. *And be it enacted*, That the fourth section of the supplement to the act to which this is a supplement, which was approved April fourth, eighteen hundred and seventy-three, and which reads as follows:

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

Section to be amended recited.

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

Amendment. Forfeiture of annual appropriation for failure to parade.

25. *And be it enacted*, That the twenty-fifth section of the act to which this is a supplement, which reads as follows:

"25. *And be it enacted*, That every brigade paymaster shall keep a journal of his proceedings, and receive and file all vouchers and returns, and keep proper and distinct accounts of the moneys accruing from the fines and forfeitures, in the several regiments and battalions in the brigade, which shall be paid or returned to him, and shall also receive and file all returns, orders, vouchers and receipts for all moneys which he may receive and pay conformably to law, and he shall submit his books of account,

Section to be amended recited.

returns, orders, vouchers and receipts to the inspection and examination of the brigade board to whom he shall account from time to time for all moneys and returns by him received, and produce orders for any disbursements he may have made, and he shall make like submission to the treasurer of the state, or to such other officer or officers as may be provided by order or regulation of the adjutant general, with the approval of the commander-in-chief, whenever the treasurer or such other officer or officers may require," be amended so as to read as follows :

Section as amended.

Brigade paymaster to keep a journal of his proceedings, &c.

25. *And be it enacted*, That every brigade paymaster shall keep a journal of his proceedings, and receive and file all vouchers and returns, and keep proper and distinct accounts of the moneys accruing from the fines and forfeitures, in the several regiments and battalions in the brigade, which shall be paid or returned to him, and shall also receive and file all returns, orders, vouchers and receipts for all moneys which he may receive and pay conformably to law, and he shall submit his books of account, returns, orders, vouchers and receipts to the inspection and examination of the brigade board, to whom he shall account from time to time for all moneys and returns by him received, and produce orders for any disbursements he may have made, and he shall make like submission to the quartermaster general of the state, or to such other officer or officers as may be provided by order of the commander-in-chief, whenever the quartermaster general or such other officer or officers may require.

26. *And be it enacted*, That the twenty-sixth section of the act to which this is a supplement, which reads as follows :

Section to be amended recited.

"26. *And be it enacted*, That the regimental or battalion paymasters, or persons acting as such, shall in like manner keep a journal of their proceedings, receive and file all papers and vouchers, and receipts for all moneys received and paid out by them, and shall account to the regimental or battalion board for all moneys or returns received by them, and produce orders for any disbursements they may have made to the regimental or battalion board, and from time to time to such other officer or officers, or board of officers, as may be prescribed by order or regulation of the adjutant general with the approval of the commander-in-chief," be amended so as to read as follows :

26. *And be it enacted*, That the regimental or battalion paymasters or persons acting as such shall in like manner keep a journal of their proceedings, receive and file all papers and vouchers and receipts for all moneys received and paid out by them, and shall account to the regimental or battalion board for all moneys or returns received by them, and produce orders for any disbursements they may have made to the regimental or battalion board and from time to time to the quartermaster general or such other officer or officers or board of officers as may be prescribed by order of the commander-in-chief.

Section as amended.

Relative to regimental or battalion paymasters.

27. *And be it enacted*, That the thirty-first section of the act to which this is a supplement, which reads as follows :

“31. *And be it enacted*, That to each brigade there shall be a brigade board, composed of the brigadier general and commandants of regiments and battalions of the respective brigades, and a majority of the members shall be necessary to form a board; they shall meet at least once in each year, at such place as shall be agreed upon by the majority of the board; it shall be lawful for the brigadier general or commandant of any brigade of the national guard to convene, for the transaction of any appropriate business which may come or be laid before them, the brigade board of said brigade, whenever, in his opinion, it shall be proper or necessary so to do; and a meeting of said board shall be called for the transaction of such business by the brigadier general or commanding officer, whenever so requested by the majority of the members of said board; the assistant adjutant general shall be *ex officio* clerk of the board, and shall keep a record of all their proceedings; at each meeting of the brigade board, the officer of the first grade and seniority present shall preside; the brigade board shall have power to compel the attendance of its members by imposing a fine, which shall not in any case exceed twenty dollars; the brigade board may authorize the formation of new companies to fill vacancies, subject to the approval of the division commander, and attach them to such regiment or battalion of their brigade as they may think proper; they shall draw orders on the brigade paymaster for all lawful and necessary expenses, adjust, inspect and settle his accounts and determine what balance is in his hands; and in case of the delinquency or neglect of duty on the part of the paymaster, his

Section to be amended recited.

Recital con-
tinued.

successor is hereby empowered and required to prosecute the delinquent or defaulter, his sureties, his or their executors or administrators for any moneys remaining in his hands belonging to the brigade, in any court where the same may be cognizable with costs of suit; the brigade board shall determine the balances which the regimental or battalion paymasters shall severally pay to the brigade paymaster; the regimental or battalion boards shall adjust and settle the accounts of their respective regimental or battalion paymasters, and determine the balance in their hands; and in case of the neglect of duty, default or embezzlement of any regimental or battalion paymaster, his successor shall prosecute such regimental or battalion paymaster, guilty of default, embezzlement or neglect of duty aforesaid, his sureties, his or their executors or administrators, for all moneys due to the regiment, battalion or any company thereof from such regimental or battalion paymaster, in any court where the same may be cognizable with costs of suit; the brigade board shall on returns made to them by the assistant adjutant general, regimental or battalion paymaster of any delinquent officer (where no satisfactory excuses are offered), assess such fines on such defaulter as are directed by law; they shall preserve order at their several meetings by imposing a fine not exceeding ten dollars upon any person who shall interrupt or insult them while engaged in the business of the brigade, which fine shall be collected by the brigade paymaster in the same way as fines on delinquent officers, and return a list of the names of such delinquents, together with the name or names of any defaulting member or members of said board with the amount of the fine or fines annexed, to the brigade paymaster," be amended so as to read as follows:

Section as
amended.

Composition of
brigade board.

31. *And be it enacted*, That to each brigade there shall be a brigade board, composed of the brigadier general and commandants of regiments, battalions and batteries of the respective brigades, and a majority of the members shall be necessary to form a board; they shall meet at least once in each year; it shall be lawful for the brigadier general or commandant of any brigade of the national guard to convene, for the transaction of any appropriate business which may come or be laid before them, the brigade board of said brigade, whenever, in his opinion, it shall be proper or

necessary so to do; and a meeting of said board shall be called for the transaction of such business by the brigadier general or commanding officer, whenever so requested by the majority of the members of said board; the assistant adjutant general shall be ex-officio clerk of the board, and shall keep a record of all their proceedings; at each meeting of the brigade board, the officer of the first grade and seniority present shall preside; the brigade board shall have power to compel the attendance of its members by imposing a fine, which shall not in any case exceed twenty dollars; they shall draw orders on the brigade paymaster for all lawful and necessary expenses, adjust, inspect and settle his accounts, and determine what balance is in his hands; and in case of the delinquency or neglect of duty on the part of the paymaster, his successor is hereby empowered and required to prosecute the delinquent or defaulter, his sureties, his or their executors or administrators for any moneys remaining in his hands belonging to the brigade, in any court where the same may be cognizable, with costs of suit; and in case of the neglect of duty, default or embezzlement of any regimental or battalion paymaster, his successor shall prosecute such regimental or battalion paymaster, guilty of default, embezzlement or neglect of duty as aforesaid, his sureties, his or their executors or administrators, for all moneys due to the regiment, battalion or any company thereof, from such regimental or battalion paymaster, in any court where the same may be cognizable, with costs of suit; the brigade board shall, on returns made to them by the assistant adjutant general, regimental or battalion paymaster, of any delinquent officer (where no satisfactory excuses are offered), assess such fines on such defaulter as are directed by law; they shall preserve order at their several meetings by imposing a fine not exceeding ten dollars upon any person who shall interrupt or insult them while engaged in the business of the brigade, which fine shall be collected by the brigade paymaster in the same way as fines on delinquent officers and return a list of the names of such delinquents, together with the name or names of any defaulting member or members of said board, with the amount of the fine or fines annexed, to the brigade paymaster.

Clerk of the board.

Presiding officer.

Penalty for non-attendance of members.

Delinquent paymasters may be prosecuted.

Assessment of fines in cases of default.

Penalty for interrupting meetings of the board.

28. *And be it enacted*, That the forty-first section of the act to which this is a supplement, which reads as follows :

Section to be amended recited.

"41. *And be it enacted*, That the quartermaster or acting quartermaster of any regiment or battalion of the national guard, upon the order of the commandant of the regiment or battalion to which he may be attached, shall have power to seize upon and hold as the property of the regimental or battalion board, any uniforms or equipments, or any part thereof, which are the property of the regimental or battalion board of the regiment or battalion to which the quartermaster or acting quartermaster may be attached; and it shall be the duty of any justice of the peace of this state, on complaint on oath to him made by any such regimental or battalion quartermaster or acting quartermaster, that any uniform or uniforms, or equipments is or are unlawfully withheld from him by any person or persons in the county in which said justice has jurisdiction, and that the same are believed to be in any particular place, to be specified in the complaint, to issue to a constable of said county his warrant in the nature of a search warrant, for said uniform or uniforms, or equipments, which warrant shall be executed in like manner as a search warrant, and the officer to whom the same is directed shall have the same powers and authority in executing the same that he would have in executing a search warrant, and on finding said uniform or uniforms or equipments, he shall deliver the same to said quartermaster or acting quartermaster," be amended so as to read as follows :

Section as amended.

Upon order of commandant of regiment or battalion uniforms or equipments may be seized and held as property of such regiment or battalion.

Justice of peace may issue warrant to constable on complaint of commandant, &c.

41. *And be it enacted*, That the commanding officer of a company, the quartermaster or acting quartermaster of any regiment or battalion of the national guard, upon the order of the commandant of the regiment or battalion to which he may be attached, shall have power to seize upon and hold as the property of the regimental or battalion board any uniforms or equipments, or any part thereof, which are the property of the regimental or battalion board of the regiment or battalion to which company commandant the quartermaster or acting quartermaster may be attached; and it shall be the duty of any justice of the peace of this state, on complaint on oath to him made by any such company commandant, regimental or battalion quartermaster or acting quartermaster, that any uniform or uniforms or equipments is or are unlawfully withheld from him by any person or persons in the county in which said justice has juris-

diction, and that the same are believed to be in any particular place to be specified in the complaint, to issue to a constable of said county his warrant in the nature of a search warrant for said uniform or uniforms or equipments, which warrant shall be executed in like manner as a search warrant, and the officer to whom the same is directed shall have the same powers and authority in executing the same that he would have in executing a search warrant, and on finding said uniform or uniforms or equipments, he shall deliver the same to said company commandant, quartermaster or acting quartermaster.

29. *And be it enacted*, That the fifth section of the supplement to the act to which this is a supplement, which was approved March ninth, eighteen hundred and seventy-seven, and which reads as follows :

"5. *And be it enacted*, That every company of the national guard shall be paraded at least four times in every year, and one of said parades shall be by brigade, when so ordered by the commander-in-chief, but no military encampment of the national guard or state militia shall be allowed or provided for at the expense of the state, except when it may be necessary to repel invasion, or subdue insurrection or riot, or when called to aid the civil authority in the preservation of the public peace or the enforcement of law, or when called into active service by the president of the United States," be amended so as to read as follows :

5. *And be it enacted*, That every company of the national guard shall be paraded at least four times in every year, and one of said parades shall be by brigade, when approved by the commander-in-chief.

30. *And be it enacted*, That all general courts-martial, for the trial of officers above the rank of field officers, shall be appointed by the commander-in-chief; and it shall be the duty of the judge advocate general to act as judge advocate at such general courts-martial; all general courts-martial for the trial of field officers shall be appointed by the major general of division, and it shall be the duty of the division judge advocate general to act as judge advocate at such general courts-martial.

31. *And be it enacted*, That the brigadier generals, each in his own brigade, shall appoint general courts-martial where the offender is captain or under that rank, and he

Section to be amended recited.

Section as amended.

Company parades.

General courts martial to be appointed by the commander-in-chief.

Appointment of courts martial by brigadier generals.

shall detail an officer to act as judge advocate at such courts-martial.

32. *And be it enacted*, That all charges upon which courts-martial are ordered shall be in writing and signed by the complainant, and shall clearly specify the offence and when committed.

Courts martial,
how composed.

33. *And be it enacted*, That general courts-martial shall consist of not less than five or more than thirteen members, the senior officer appointed shall be president, and said courts-martial shall have cognizance of all military offences; but no officer shall be tried for any offence or neglect which took place more than two years before the complaint.

Proceedings in
case of non-ap-
pearance.

34. *And be it enacted*, That if any officer, non-commissioned officer, musician or private, shall neglect to appear and make defence, the court shall be authorized to proceed in his absence, and if found guilty of the charges, he shall be sentenced accordingly.

Members of the
court to take
oath.

35. *And be it enacted*, That before the trial of any cause the judge-advocate shall administer to the president and each of the members of the court-martial, the following oath or affirmation, to wit :

Form of oath.

“ You, ———, do swear (or affirm) that you will well and truly try and determine, according to the evidence, the cause now before you between the state of New Jersey and ——— to be tried, and you furthermore swear that you will not divulge the sentence of this court-martial until it shall be approved or disapproved; that you will not on any account, at any time whatever, discover the vote or opinion of any member of the court, unless required to give evidence thereof by a court of justice in a due course of law; so help you God;” and the president of the court-martial shall administer to the judge-advocate the following oath or affirmation :

Form of oath to
judge advocate.

You ——— do swear (or affirm) that you will not, on any account at any time whatever divulge the vote or opinion of any particular member of this court-martial, unless required to give evidence thereof as a witness by a court of justice in a due course of law, and that you will not disclose the sentence of this court-martial until it shall have been approved or disapproved by the officer who appointed the same; so held you God.”

36. *And be it enacted*, That upon all trials before a court-

martial when the accused shall appear in person, he may be aided in his defence by such counsel learned in the law as he shall procure to be present in the same manner as in criminal causes under the laws of this state, and the trial shall proceed as at law before a jury, by the oral examination of the witnesses on both sides continuously, until all the evidence has been produced and closed, and the accused shall be admitted to testify as a witness if he shall offer himself as a witness in his own behalf.

Accused may be aided at trial by counsel as in criminal cases under state laws.

37. *And be it enacted*, That if any officer shall be found guilty of the offence or neglect charged against him, he shall be sentenced by the court to be cashiered, suspended, dishonorably dismissed from the service or reprimanded, as the court shall adjudge.

Sentence which the court may pronounce.

38. *And be it enacted*, That a stenographer or other reporter appointed by the judge-advocate shall attend all general courts martial and shall truly and exactly record, verbatim, all the testimony given on the trials therein, and shall deliver the same to the judge-advocate at the close of the trial, and before the trial of any cause the president of the court shall administer an oath to said reporter that he shall faithfully perform his duties as reporter for said court.

Appointment of stenographer or reporter.

39. *And be it enacted*, That the fees for subpoenas and the service of them shall be the same as in civil cases.

Fees.

40. *And be it enacted*, That whenever a new commandant shall be commissioned in any company of the national guard, it shall be the duty of said commandant within thirty days from the receipt of his commission, to take possession of all the property belonging to the state in possession of said company, and to forward to the quartermaster general a receipt for the same, with bond and sufficient surety to be approved by the quartermaster general.

Duty of new commandant in any company.

41. *And be it enacted*, That section sixty-six of the act to which this is a supplement, which reads as follows :

“66. *And be it enacted*, That the expenses of any court-martial ordered by the commander-in-chief shall be paid by the state; the expenses of all other courts-martial shall be paid out of any fund under the control of the officer ordering the same, or under the control of the board of which he is the presiding officer,” be and the same is hereby repealed,

Section to be repealed recited.

Repealer.

42. *And be it enacted*, That the sixty-seventh section of

the act to which this is a supplement, which reads as follows :

Section to be amended recited.

"67. *And be it enacted*, That officers composing courts-martial and military boards, and witnesses attending before them, shall receive ten cents for every mile they necessarily travel in going to and returning from the place of trial, and the following sums for each day of attendance ; the president of a court-martial or military board, five dollars ; the judge advocate of the same, four dollars, which shall be in full compensation also for all services of preparing papers before and making copies after any trial, inquiry or investigation ; the members of each court or board, three dollars ; each witness attending on such court or board, fifty cents ; *provided*, that no more than four witnesses on the part of the state and four on the part of the offender shall be entitled to pay ; fees for subpoenas and service of them shall be the same as in civil cases," be amended so as to read as follows :

Section as amended.

Fees, &c., to officers composing general courts martial and mileage to witnesses.

67. *And be it enacted*, That officers composing general courts-martial, the state military board and such other military boards as may be ordered by the commander-in-chief, and witnesses attending before them, shall receive from the state ten cents for every mile they necessarily travel in going to and returning from the place of trial or meeting, and the following sums for each day of attendance : the president, five dollars ; the judge advocate, four dollars, which shall be in full compensation also for all services of preparing papers before and making copies after any trial, inquiry or investigation ; the members, three dollars ; each witness fifty cents ; *provided*, that no more than four witnesses on the part of the state, and four on the other part of the offender shall be entitled to pay ; fees for subpoenas and service of them shall be the same as in civil cases.

Proviso.

Commissioned officer resigning not to have honorable discharge unless his accounts are settled within a certain time.

43. *And be it enacted*, That no commissioned officer resigning shall be entitled to or receive an honorable discharge from the service, with the benefits thereto belonging, unless his accounts for public property have been settled at the quartermaster general's office within thirty days.

44. *And be it enacted*, That the seventy-seventh section of the act to which this is a supplement, which reads as follows :

"77. *And be it enacted*, That in case of any breach of

the peace, tumult, riot or resistance to process of this state, or apprehension of immediate danger of the same, in any city or county of the state, it shall be lawful for the mayor of such city, or the sheriff of such county to call for aid from any brigade, regiment, battalion or company of such city or county, by application to the proper authority, and it shall be the duty of the commanding officer of such brigade, regiment, battalion or company to whom such application is made in writing, to order out verbally or otherwise in aid of the civil authorities, the military force, or any part thereof under his command, and to provide the force so ordered out with the requisite ammunition for the service; and he shall be reimbursed therefor out of the treasury of this state, on proof to the comptroller of his disbursement so made," be amended so as to read as follows:

77. *And be it enacted*, That in case of any breach of the peace, tumult, riot or resistance to process of this state, or apprehension of immediate danger of the same, in any city or county of this state, it shall be lawful for the mayor of such city or the sheriff of such county to make application to the commander-in-chief for military aid of the national guard.

45. *And be it enacted*, That the seventy-eighth section of the act to which this is a supplement, which reads as follows:

"78. *And be it enacted*, That for the performance of actual service of this state, (not in the service of the United States, and not including drills, parades, or encampments in time of peace), officers, non-commissioned officers, musicians and privates shall receive from the state the like pay and rations as are received from the United States by the officers, non-commissioned officers, musicians and privates of the regular army; and whenever the service shall continue for the space of three months, each non-commissioned officer, musician and private shall receive one full and complete suit of uniform," be amended so as to read as follows:

78. *And be it enacted*, That for the performance of actual service of this state (not in the service of the United States, and not including drills, parades or encampments in time of peace) for a period of more than thirty days, officers, non-commissioned officers, musicians and privates shall receive from the state the like pay as is received by officers, non-commissioned officers, musicians and privates of the regular

Section to be amended recited.

Section as amended.

Application for military aid in case of riot, &c., to whom and by whom made.

Section to be amended recited.

Section as amended.

Pay of officers, &c.

army of the United States ; but if said service shall continue for a period of and less than thirty days, then commissioned officers shall receive the like pay as is received by officers of like rank in the regular army of the United States ; and the non-commissioned officers, musicians and privates shall receive one dollar per day, and the rations or commutation which may be allowed by the state for each and every day of actual service.

46. *And be it enacted*, That the seventy-ninth section of the act to which this is a supplement, which reads as follows :

Section to be amended recited.

“79. *And be it enacted*, That the widow, or minor children if there be no widow, of any officer or soldier who may be killed in the performance of any actual service of this state (not in the service of the United States), or any officer or soldier who may be wounded or disabled in performing such service, shall receive from the treasury of the state the like reward that persons under similar circumstances receive from the United States,” be amended so as to read as follows :

Section as amended.

79. *And be it enacted*, That the widow, or minor children if there be no widow, of any officer or soldier who may be killed in the performance of any actual service of this state (not in the service of the United States), or any officer or soldier who may be wounded or disabled in performing such service, shall receive from the treasury of the state the like pension or reward that persons under similar circumstances receive from the United States.

Pensions.

Commanding officers of companies to make quarterly returns showing strength and changes in their command, &c.

47. *And be it enacted*, That the commanding officers of companies of the national guard shall be required to make out a quarterly return on the last day of March, June, September and December in each year, showing the strength of and changes in their command, the number and condition of the uniforms, the arms and equipments received and accounted for ; these returns to be forwarded on the days mentioned through the proper channels to the adjutant general.

48. *And be it enacted*, That the sixth section of the supplement to the act of which this is a supplement, which was approved April fourth, one thousand eight hundred and seventy-three, which reads as follows :

Section to be repealed recited.

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

is hereby declared to be a member of the brigade board,"
be and the same is hereby repealed.

Repealer

49. *And be it enacted*, That regimental, battalion and company dues shall be collected in the same manner as is prescribed in this act for the collection of fines and penalties.

Collection of dues.

50. *And be it enacted*, That the governor and commander-in-chief be and he is hereby authorized to confer upon such citizens of this state as shall have faithfully served as commissioned officers in the active militia and national guard for a period of twenty years and wish to resign, a brevet rank of not more than one grade higher than the highest rank held by them during their term of service; *provided*, that the governor shall nominate the same to the senate, and the rank shall be conferred by and with the advice and consent of the senate.

Governor may confer brevet rank.

Proviso

51. *And be it enacted*, That the governor and commander-in-chief is hereby authorized to contract with any association in this state having a military rifle range, for the use of said range by the national guard of this state, for the perfection of the force in rifle practice.

Governor may contract for use of rifle range.

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

Approved March 15, 1878.

CHAPTER LXXVI.

An Act to provide for licensing boats, hacks and other vehicles by incorporated camp meeting associations or seaside resorts, and for the better government of the same.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the board of trustees, directors, commissioners or other corporate authorities of any incorporated camp meeting association or seaside resort shall have power within the premises of said corporation to make, establish, publish and modify, amend or repeal ordi-

Board of trustees, directors, or other authorities of any camp meeting association or seaside resort, authorized to make and repeal ordinances

for licensing
boats, hacks, &c.

nances, rules, regulations and by-laws for licensing and regulating cartmen, porters, hacks, cabs, omnibus, stage and truck owners and drivers, market wagons, garbage wagons, baggage wagons, milk wagons, carriages and vehicles used for the transportation of passengers and merchandise, and boats upon the lakes and premises of said corporations used for the transportation of passengers and also hucksters and pedlers of merchandise and provisions (but this act shall not be construed to require a license from any person or persons selling or exposing for sale produce of their own growing) and to fix the rates of compensation to be allowed to them, and to prohibit unlicensed persons from acting in such capacities; and that in such case and in all cases where the said boards have authority to pass ordinances, rules, regulations and by-laws on any subject; they may prescribe a penalty or penalties for the violation thereof, either by imprisonment in the county jail not exceeding ten days or by fine not exceeding twenty dollars; and any justice of the peace, police justice or officer specially commissioned, possessing the powers of police justices appointed or to be appointed for any such corporation shall have jurisdiction of such cases, and may give judgment and issue execution for collection of such fine or fines to be levied on any personal property owned by such person or persons fined as aforesaid, directed to any marshal or peace officer appointed or to be appointed for such corporation, or to any constable of the county in which said corporation is situate, which execution shall be levied, executed and returned in the same manner as executions in other cases, or in case of sentence to imprisonment in the county jail may issue his warrant for the imprisonment of such offender as in other cases cognizable before him.

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

Approved March 19, 1878.

CHAPTER LXXVII.

A Further Supplement to the act entitled "An act concerning townships and township officers," approved April twenty-first, eighteen hundred and seventy-six.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever any township in this state or any board of commissioners of any township or of any part thereof, which may have heretofore entered into any contract or agreement with any aqueduct board or board of water commissioners in this state for furnishing any such township or any part thereof with a supply of water and which township shall have failed to make an assessment of the costs and expenses to such township for obtaining such supply upon the owners of land and real estate benefited by such supply of water, that then the township committee of any such township shall cause a just and equitable assessment of such cost and expense to be made upon all the owners of all the lands and real estate in such township benefited thereby in proportion to the benefits received.

When township or board of commissioners of any township have failed to make an assessment of costs and expenses for obtaining supply of water, the township committee shall make such assessment on lands benefited, &c.

2. *And be it enacted*, That whenever any township of this state shall have been supplied with water and with hydrants for the extinguishment of fires by any aqueduct board or board of water commissioners without any contract or agreement with any such aqueduct board or board of water commissioners furnishing such supply of water and hydrants, the township committee of such township shall make a just and equitable assessment of such amount as shall be agreed upon between any such township and any such aqueduct board or board of water commissioners for furnishing such supply of water and hydrants in this section referred to upon all the owners of all the lands and real estate benefited by such supply of water in proportion to the benefits received thereby.

Proceedings when water has been supplied for extinguishment of fires without contract or agreement with aqueduct board

3. *And be it enacted*, That it shall be lawful for the township committee of any township in this state adjacent to any

Township committee may contract for supply of water. city thereof to contract with the aqueduct board or board of water commissioners of any city thereof for the continuance of a supply of water through pipes already laid and hydrants already furnished or which may be hereafter laid and furnished by any such aqueduct board or board of water commissioners, and the annual cost and expense of such supply shall be assessed by the township committee of such township in the manner and proportion as in the first section hereof is provided.

Assessment to be a lien upon lands, &c. 4. *And be it enacted*, That any assessment made under any of the provisions of this act shall be a lien upon the lands and real estate of any owner or owners, with respect to which any such assessment may be made, in the same manner and to the same extent that the tax levied and raised in such township is a lien upon such lands and real estate, from the time the certificate of assessment shall have been delivered to the collector of such township.

Certificate of assessment to be delivered to the township collector. 5. *And be it enacted*, That it shall be the duty of the township committee of any township in this act referred to, immediately after they shall have made any assessment provided for by this act, to deliver the certificate of such assessment to the collector of such township.

Duty of the collector. 6. *And be it enacted*, That it shall be the duty of such collector immediately after any assessment made as aforesaid shall have been delivered to him to proceed to collect the same.

Assessments remaining unpaid, how collected. 7. *And be it enacted*, That should any assessment upon any owner or owners of lands and real estate aforesaid, made under any of the provisions of this act, remain unpaid for the space of three months after the certificate of such assessment shall have been delivered to the collector of such township aforesaid, then it shall be lawful for the township committee of any such township, or the collector thereof, to proceed to collect the assessment so remaining unpaid in the same manner as unpaid taxes are collected in such township, or the township committee of any such township may bring an action on the case in any court of competent jurisdiction in the name of any such township against any such owner or owners of any lot, tract or parcel of land and real estate, for any assessment in this section referred to, for so much money laid out and expended by such township for the

use of the owner or owners, and declare generally and give the special matter in evidence.

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

Approved March 19, 1878.

CHAPTER LXXVIII.

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

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever any furniture or implements made or used for the playing of the game of faro, roulette, rouge et noir, or any unlawful game, shall be seized or captured by the police, constabulary or other officers in this state, it shall be the duty of the prosecutor of the pleas in the county where such seizure is made, to have the same destroyed or rendered useless for the uses and purposes aforesaid, and it shall be unlawful to return the same to the person or persons owning the same, or to any person whatsoever.

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

Approved March 19, 1878.

CHAPTER LXXIX.

A Further Supplement to an act entitled "An act to enable the owners of the tide swamps and marshes to improve the same, and the owners of meadows already banked in and held by different persons to keep the same in good repair," passed November twenty-ninth, seventeen hundred and eighty-eight.

- Owners, &c.,
may erect
works to secure
marsh or
swamp from
the overflow of
the tide.
1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the owners and possessors of three-fourths of any body or tract of marsh or swamp in this state exposed to the overflow of the tide, desiring to improve the same, and who have complied with or subjected themselves to the before recited act, may erect and construct across any stream of water that may flow through said land any bank, dam, sluice, floodgates or other work necessary to secure the same from the overflow of the tide; *provided*, that this act shall not apply to streams or creeks running to or through any village, town or city, or to any established wharf or landing.
- Proviso.
- Repealer.
2. *And be it enacted*, That such part or parts of the act and supplements to which this is a further supplement as come within the purview of this act and are contrary to the provisions thereof, and all other acts and parts of acts inconsistent with this act, be and the same are hereby repealed; *provided, always*, that this act shall not be so construed as to in any way change or affect the charter or rights of any private or public corporation aiming at the same results heretofore granted by the legislature of this state, or to apply to any streams which have been declared by an act of the legislature a public highway.
- Proviso.
3. *And be it enacted*, That this act shall take effect immediately.
- Approved March 19, 1878.

CHAPTER LXXX.

A Supplement to "An act respecting mortgages," approved March twenty-seventh, eighteen hundred and seventy-four.

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

"Every mortgage or conveyance intended to operate as a mortgage of goods and chattels hereafter made, which shall not be accompanied by an immediate delivery and followed by an actual and continued change of possession of the things mortgaged, shall be absolutely void as against the creditors of the mortgagor and as against subsequent purchasers and mortgagees in good faith, unless the mortgage, or a true copy thereof, shall be filed as directed in the succeeding section of this act," be amended to read as follows :

Every mortgage or conveyance intended to operate as a mortgage of goods and chattels hereafter made, which shall not be accompanied by an immediate delivery and followed by an actual and continued change of possession of the things mortgaged, shall be absolutely void as against the creditors of the mortgagor and as against subsequent purchasers and mortgagees in good faith, unless the mortgage, or a true copy thereof, having annexed thereto an affidavit or affirmation made and subscribed by the holder or holders of said mortgage, his, her or their agents or attorney, stating the consideration of said mortgage, and as near as possible the amount due and to grow due thereon, be filed as directed in the succeeding section of this act.

2. *And be it enacted*, That section forty-one of the said act, which now reads as follows :

"41. Every chattel mortgage filed in pursuance of this act shall cease to be valid as against the creditors of the person making the same, or against purchasers or mort-

gagees in good faith, after the expiration of one year from the filing thereof, unless within thirty days next preceding the expiration of the said term of one year, a true copy of such mortgage, together with a statement exhibiting the interest of the mortgagee in the property therein claimed by him by virtue thereof, shall be again filed in the office of the clerk or register aforesaid of the county where the mortgagor shall then reside, or, in case of non-residence, of the county where the things mortgaged shall then be," shall be and is hereby amended to read as follows :

Section as amended.

Chattel mortgage may be renewed and continued valid.

Proviso.

41. Every chattel mortgage, or conveyance intended to operate as a mortgage of goods and chattels, filed in pursuance of this act, may be renewed and continued valid as against the creditors of the person making the same, and against purchasers or mortgagees in good faith, notwithstanding it shall not be accompanied with or followed by an actual and continued change of possession of the things mortgaged, for successive periods of one year from and after the expiration of one year from the filing thereof; *provided*, a true copy of said mortgage, together with a statement, under oath or affirmation, of the mortgagee, or his or her agent, exhibiting the interest of the mortgagee in the property therein claimed by virtue thereof, and the true amount due, or to grow due thereon, shall be filed within thirty days prior to the expiration of each year from and after the filing of said mortgage or conveyance in the office of the clerk or register aforesaid of the county where the mortgagor shall then reside, or, in case of non-residence, of the county where the things mortgaged shall then be; and if any such mortgage or conveyance shall not be so renewed, it shall thereupon cease to be valid as against such creditors, purchasers or mortgagees after the expiration of one year from the filing thereof, or after the termination of the year for which it shall have been renewed.

Penalty for false swearing or affirming.

3. *And be it enacted*, That if any one shall falsely swear or affirm in the making of any affidavit or affirmation provided for by this act, he or she shall be deemed guilty of perjury, and on conviction thereof shall be liable to all the penalties provided by law therefor.

Approved March 19, 1878.

CHAPTER LXXXI.

An Act providing for actions where the defendant is a non-resident of this state and the cause of action is one arising in this state and denominated local.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That if a summons is issued in any case to the sheriff or coroner of any county where the defendant is a non-resident of this state, and the cause of action arose in this state, and is one denominated local, and the sheriff or coroner shall return that the defendant cannot be found in his county, that any justice of the supreme court may make an order, upon proper affidavit, that the defendant appear, at a certain day therein to be named, not less than one nor more than two months from the date of such order; of which order such notice as said justice shall by rule direct shall, within twenty days thereafter, be served personally on such defendant by delivery of a copy thereof to him either in or out of this state, or be published in a newspaper, to be designated by said justice, in the county where the cause of action arose for at least four weeks successively, at least once in each week, and in case of such publication, a copy of such notice shall be mailed to the defendant prepaid, as directed by said justice, and in case the defendant shall fail to enter his appearance as directed in said order, said justice may direct that the declaration be filed, and if the defendant shall not plead thereto within thirty days after such filing, the court in which such action is brought may, upon such proofs and evidence as it may require, order judgment to be entered against him and proceedings thereon taken the same as if he had been personally served with process in said action.

When summons is issued in any case to sheriff or coroner of any county where defendant is a non-resident of this state and return is made by such sheriff or coroner that he cannot be found in his county, any justice of supreme court may make an order for the appearance of such defendant, and notice of such order shall be given by service or publication.

Judgment may be entered if defendant fail to enter appearance as directed in said order.

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 be a public act and take effect immediately.

Repealer.

Approved March 19, 1878.

CHAPTER LXXXII.

A Supplement to an act entitled "An act to incorporate benevolent and charitable associations," approved March ninth, eighteen hundred and fifty-three.

Corporate name may be changed by a two-thirds vote of the board of directors or managers.

Proviso.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for any corporation or association existing by virtue of the act to which this is a supplement, to change its corporate name by a two-thirds vote of the board of directors or managers of such corporation or association, who shall be present at a regular or special meeting called for that purpose; *provided*, that the corporation or association cause to be made and filed a certificate in writing in manner hereinafter mentioned; such certificate in writing shall set forth, first, the name of such corporation or association in use immediately preceding the vote, and making and filing the said certificate; second, the name assumed to designate such corporation and to be used in its business and dealings in the place and stead of that referred to in the last preceding paragraph, and which said certificate shall be signed by the board of directors or managers, or a majority of said board, and filed in pursuance of the act to which this is a supplement, in the office of the clerk of the county where the principal office or place of business of such corporation or association in this state shall be established; and after being so recorded shall be filed in the office of the secretary of state; and to which certificate shall be affixed the affidavit of the secretary or acting secretary of such corporation or association, that the said certificate is made by the authority of the board of directors or managers of such corporation or association, as expressed by a two-thirds vote of the members present at a regular or special meeting of said board, called for that purpose.

2. *And be it enacted*, That no change in the name of any corporation or association under the provisions of this act

shall be deemed effected until the said certificate, made and recorded as aforesaid, shall be actually filed in the office of the secretary of state, as herein directed; but no such change shall in manner lessen or impair any liability of such corporation or association incurred or existing at the time of such change of name shall be made; and no suit pending at the time of such change of name shall abate by reason thereof, but the same may be prosecuted to judgment and execution in the original name of such corporation or association, and under such execution the property of said corporation or association, whether held by its original or amended name, may be levied on and sold to satisfy such judgment.

Change of name not to be deemed effected until certificate is filed in the office of the secretary of state.

Suit pending at the time of the change not to abate by reason thereof.

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

Approved March 19, 1878.

CHAPTER LXXXIII.

An Act to incorporate associations for the erection and maintenance of monuments and statues.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for any number of persons to associate together for the purpose of erecting and maintaining monuments or statues to commemorate important historic events occurring within this state, or in honor of distinguished men; and for the better accomplishment of such purposes, to purchase or receive by gift or devise any land not exceeding five acres and any legacies or donations for the object contemplated by the association, and that such association may hold and enjoy the same free from all taxation.

Any number of persons may associate together.

Association to be free from tax.

2. *And be it enacted*, That such persons so associated shall make, sign and acknowledge a certificate setting forth the corporate name by them chosen, the purpose for which such association is formed and intended, the place where the

Certificate of corporate name to be recorded in office of county clerk.

proposed monument or statue is to be erected, and file the same in the office of the clerk of the county where such association is to be established, who shall thereupon record it in a book to be provided for that purpose.

To be a body politic and corporate.

3. *And be it enacted*, That upon making and recording such certificate the said persons and their successors shall become and be a body politic and corporate, and possessed of all the powers mentioned and set forth in the first section of the act concerning corporations.

Election of trustees.

4. *And be it enacted*, That such persons so associated shall within three months after such incorporation, and annually thereafter, by vote of a majority of those present, elect any members of this association not exceeding twenty, to be trustees of such corporation, who shall thereupon choose from their number a president and such other officers and assistants as may be required; and said trustees

General powers of the trustees.

shall have power from time to time to establish and ordain such by-laws and regulations for the government of such corporation and the advancement of the purpose thereof, as they shall judge proper and necessary; *provided*, the same shall not be repugnant to the constitution or laws of this state or of the United States.

Proviso.

Not to be dissolved by failure to elect trustees on the day designated by law.

5. *And be it enacted*, That no association which shall become a corporation under the provisions of this act shall be considered as dissolved for or by reason of its neglecting or failing to elect trustees yearly and every year, on the day designated by law, but the trustees last elected shall continue in office with all the powers and duties vested in and devolving upon trustees duly elected on the day designated by law, and until a new election shall be had, and all property which such association may have lawfully acquired shall continue to be vested in said corporation in their corporate name, as if trustees were elected annually on the day designated.

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

Approved March 19, 1878.

CHAPTER LXXXIV.

An Act to fix and regulate the salaries of city officers in cities of 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 the mayor or the members of common council, or the aldermen of any of the incorporated cities of this state, which, according to the last census, have less than twenty thousand inhabitants, and not less than fifteen thousand inhabitants, to be paid or to receive any salary or compensation, or allowance of any sort, for their services as such city officers respectively.

Compensation not to be paid mayor, members of common council or aldermen in certain cities.

2. *And be it enacted*, That the city collector of each of such incorporated cities as is mentioned in section one of this act, shall hereafter be paid for his services an annual salary of fifteen hundred dollars, and that it shall not be lawful for any such city collector to be paid, or to take, or receive any other compensation or allowance for his services as such officer.

Compensation to city collector.

3. *And be it enacted*, That the city assessor of each of such incorporated cities of this state as is mentioned in the first section of this act, shall hereafter be paid for his services an annual salary of one thousand dollars, and no other compensation or allowance whatever.

Compensation to city assessor.

4. *And be it enacted*, That the said city collector and city assessor shall respectively be paid their said annual salaries as above fixed in equal quarter yearly payments during their respective terms of office, by the direction of the common council or board of aldermen, and on the order of the mayor of the city in which said collector and assessor may be elected or appointed.

Salaries shall be paid in equal quarterly payments.

5. *And be it enacted*, That all acts and parts of acts, public, special or local, inconsistent with the provisions of this act, be and the same are hereby repealed.

Repealer.

Not to affect the salaries of officers now in office.

6. *And be it enacted*, That this act shall be a public act, and shall take effect immediately, but shall not affect the salaries or right to salary of any of the aforesaid officers who are now in office in any cities aforesaid until their present term of office shall expire.

Approved March 19, 1878.

CHAPTER LXXXV.

An Act relating to cities in this state where there are commissioners of streets and sewers, and also a city officer styled a street commissioner.

Office of street commissioner abolished in certain cities.

Commissioners of streets and sewers to act.

Compensation not allowed.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in all incorporated cities of this state having a population, by the last census, of over fifteen thousand inhabitants, and wherein there exist by legislative appointment or otherwise, commissioners denominated "commissioners of streets and sewers," and wherein under the charters of such cities, respectively, there also exists a city officer denominated a "a street commissioner," the said office of street commissioner in each and every of such cities is hereby abolished; and the said commissioners of streets and sewers in any of said cities shall hereafter have and exercise all the rights and powers and perform all the duties which by the charters of such cities or the several supplements thereto, and the ordinances of such cities, are conferred upon and required of the said officer styled street commissioner of such cities respectively; and that said commissioners of streets and sewers, in the exercise of such rights and powers, and in the performance of the duties of such office of street commissioner of any such cities shall at all times be subject to the ordinances of said cities and the direction of the common council thereof, but said commissioners of streets and sewers shall not in any event be entitled to or receive any compensation whatever for their perform-

ance of the duties and services of said office of street commissioner, as required of them by this act.

2. *And be it enacted*, That all public, local and special acts, and all parts of such 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 a public act and take effect immediately, but that it shall not affect the term of office or salary of any street commissioner now in office until his present term of office shall expire. Not to affect any street commissioner now in office.

Approved March 19, 1878.

CHAPTER LXXXVI.

An Act relating to boards of education in cities.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That boards of education now prohibited by law from purchasing any article necessary for the schools under their control without advertising for the same, are hereby authorized to purchase, without advertising, to the extent of twenty-five dollars for any one article; *provided*, the same be sanctioned by a majority of the board. Boards of education authorized to purchase without advertising. Proviso.

2. *And be it enacted*, That all acts and parts of 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 20, 1878.

CHAPTER LXXXVII.

A Supplement to an act entitled "An act constituting district courts in certain cities in this state," approved March ninth, anno domini eighteen hundred and seventy-seven.

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

Section to be amended recited.

"6. *And be it enacted*, That every suit of a civil nature at law, where the debt, balance, or other matter in dispute, does not exceed, exclusive of costs, the sum or value of one hundred dollars, shall be and hereby is made cognizable in any district court of this state, in the cities where they may be established, to hear, try and determine the same according to law, although the cause of action did not arise in said city; said courts shall have jurisdiction, exclusive of all other courts whatsoever, in all cases arising under this act, where the party defendant resides within the corporate limits of the city wherein said court or courts shall be established; *provided always*, that this act shall not extend to any action of replevin, slander, trespass for assault, battery or imprisonment nor to any action wherein the title to any lands, tenements, hereditaments or other real estate shall or may in anywise come in question," be amended so as to read as follows :

Section as amended.

Jurisdiction in every suit of a civil nature when the matter in dispute does not exceed the sum of two hundred dollars.

6. *And be it enacted*, That every suit of a civil nature at law, where the debt, balance, or other matter in dispute, does not exceed, exclusive of costs, the sum or value of two hundred dollars, shall be and hereby is made cognizable in any district court of this state, in the cities where they may be established to hear, try and determine the same according to law, although the cause of action did not arise in said city; said district courts shall have jurisdiction, exclusive of all other courts whatsoever, except the circuit court of the county or counties wherein said district may be established, in all cases arising under this act, where the party

defendant resides within the corporate limits of the city wherein said court or courts shall be established; *provided* Proviso. *always*, that this act shall not extend to any action of replevin, slander, trespass for assault, battery or imprisonment, nor to any action wherein the title to any lands, tenements, hereditaments or other real estate shall or may in anywise come in question.

2. *And be it enacted*, That section seven of the act to which this is a supplement, and which reads as follows :

"7. *And be it enacted*, That whenever the amount really Section to be amended recited. due or recoverable upon any bond, bill, note or other contract in writing does not exceed, exclusive of costs, the sum or value of one hundred dollars at the time when the suit is instituted, such amount shall be recoverable in said district courts, without regard to any kind of penalty expressed therein, in the same manner as any other debt or demand of two hundred dollars or under is made recoverable by this act," be and the same is hereby amended, so as to read as follows :

7. *And be it enacted*, That whenever the amount really Amendment. due or recoverable upon any bond, bill, note, or other contract in writing, does not exceed, exclusive of costs, the sum May have cognizance of suits where sum does not exceed two hundred dollars. or value of two hundred dollars at the time when the suit is instituted, such amount shall be recoverable in said district courts, without regard to any kind of penalty expressed therein, in the same manner as any other debt or demand of two hundred dollars or under is made recoverable by this act.

3. *And be it enacted*, That section twenty-nine of the act to which this is a supplement and which reads as follows :

"29. *And be it enacted*, That if any defendant neglect or Section to be amended recited. refuse to deliver a copy of his or her account or state of demand against such plaintiff, he or she shall forever thereafter be precluded from having or maintaining any action for such account or demand, or from setting off the same in any future suit; *provided always*, that where the balance found to be due to such defendant exceeds the sum of one hundred dollars, then the said defendant shall not be precluded from recovering his or her account or demand against such plaintiff, in any other court of record having cognizance of the same," be and the same is hereby amended so as to read as follows :

Amendment.
When defend-
ant shall be pre-
cluded from
set-off in future
suit.

Proviso.

Section to be
amended reci-
ted.

Amendment.
Defendant to
give bond.

29. *And be it enacted*, That if any defendant neglect or refuse to deliver a copy of his or her account or state of demand against such plaintiff, he or she shall forever thereafter be precluded from having or maintaining any action for such account or demand, or from setting off the same in any future suit; *provided always*, that where the balance found to be due to such defendant exceeds the sum of two hundred dollars, then the said defendant shall not be precluded from recovering his or her account or demand against such plaintiff, in any other court of record having cognizance of the same.

4. *And be it enacted*, That section thirty-two of the act to which this is a supplement and which reads as follows :

“32. *And be it enacted*, That the judge to whom a plea of justification is tendered as aforesaid, shall before he receives such plea, require and obtain from the defendant a bond, with one good surety, being a freeholder in the said county, in the penalty of one hundred dollars, executed to the plaintiff, and conditioned that if the said plaintiff shall commence such action in the supreme court or in the circuit court of the county wherein the said judge holds his court, within three months thereafter, the said defendant will appear thereto within twenty days after the writ to be thereupon issued against him, shall be returned, served, and shall pay such costs as may be awarded against him in the said action; and in case such plea is tendered, and the defendant shall not forthwith enter into such bond to the plaintiff, the said judge shall proceed in the same manner as if such plea had not been tendered,” be and the same is hereby amended so as to read as follows :

32. *And be it enacted*, That the judge to whom a plea of justification is tendered as aforesaid, shall before he receives such plea, require and obtain from the defendant a bond, with one good surety, being a freeholder in the said county, in the penalty of two hundred dollars, executed to the plaintiff, and conditioned that if the said plaintiff shall commence such action in the supreme court or in the circuit court of the county where the said judge holds his court, within three months thereafter, the said defendant will appear thereto, within twenty days after the writ to be thereupon issued against, shall be returned, served, and shall pay such costs as may be awarded against him in the said action; and in

case such plea is tendered, and the defendant shall not forthwith enter into such bond to the plaintiff, the said judge shall proceed in the same manner as if such plea had not been tendered.

5. *And be it enacted*, That section fifty of the act to which this is a supplement, and which reads as follows :

“50. *And be it enacted*, That when the amount really due and recoverable upon any bond, bill, note or other contract in writing, does not exceed, exclusive of costs, the sum or value of one hundred dollars, at the time when suit is instituted, proof shall be made of the amount really due and owing, and the judge shall give judgment therefor, with costs, and not for the amount of the penalty expressed, whether such penalty exceed or be less than one hundred dollars,” be and the same is hereby amended so as to read as follows :

50. *And be it enacted*, That when the amount really due and recoverable upon any bond, bill, note or other contract in writing, does not exceed exclusive of costs, the sum or value of two hundred dollars at the time when suit is instituted, proof shall be made of the amount really due and owing, and the judge shall give judgment therefor with costs, and not for the amount of the penalty expressed, whether such penalty exceed or be less than two hundred dollars.

6. *And be it enacted*, That section one hundred and fifty-nine of the act to which this is a supplement, and which reads as follows :

“159. *And be it enacted*, That if any creditor shall make oath or affirmation that he verily believes that his debtor absconds from his creditors, and is not to his knowledge or belief resident in this state at the time, the clerk of any district court in any city of this state shall, and he is hereby required to issue out of said district court an attachment under his hand and the seal of said court, for any sum not exceeding one hundred dollars, directed to a constable, who shall execute the same in the following manner, that is to say : the officer to whom it is directed shall go to the house or lands of the defendant, or to the person or house of the person in whose custody or possession the defendant's property and estate may be, and then and there declare, in the presence of one credible person at the least, that he attaches the rights and credits, moneys and effects, goods and chattels of such defendant at the suit of the plaintiff in the said writ

named; and upon the return of such attachment, the said judge of the district court shall appoint a day for the hearing of the said cause, not less than twenty days from the issuing of the said writ; on or before which day so appointed the plaintiff in the said attachment shall file a copy of his account or state of demand; and if the creditor shall make sufficient proof of the debt due to him, the said judge shall give judgment therein for the plaintiff and award his execution thereof to the constable against the effects of the defendant, as in other cases cognizable before the said judge, but the effects of the defendant thereon taken shall not be sold in less than three months (unless the same are perishable) to the end that the debtor or his friend may redeem the same, and in the meantime the same shall be inventoried and safely kept, in such manner as the judge shall direct," be and the same is hereby amended so as to read as follows:

Section as amended.

District court clerk may issue attachment in case of absconding debtor.

Proceedings in attachment.

159. *And be it enacted*, That if any creditor shall make oath or affirmation either that he verily believes that his debtor absconds from his creditors, and is not to his knowledge or belief resident in this state at the time, or that the person against whose estate an attachment is about to be issued is not to the knowledge or belief of said creditor resident in this state at the time, and that he owes to said creditor a certain sum of money, specifying as nearly as he can the amount of the debt or balance, the clerk of any district court in any city of this state shall, and he is hereby required to issue out of said district court an attachment under his hand and the seal of said court, for any sum not exceeding two hundred dollars, directed to a constable who shall execute the same in the following manner, that is to say: the officer to whom it is directed shall go to the house or lands of the defendant, or to the person or house of the person in whose custody or possession the defendant's property and estate may be, and then and there declare, in the presence of one credible person at the least, that he attaches the rights and credits, moneys and effects, goods and chattels of such defendant, at the suit of the plaintiff in the said writ named; and upon the return of such attachment, the said judge of the district court shall appoint a day for the hearing of the said cause, not less than twenty days from the issuing of the said writ; on or before which day so appointed the plaintiff in the said attachment shall file a copy of his account or

state of demand; and if the creditor shall make sufficient proof of the debt due to him, the said judge shall give judgment therein for the plaintiff and award his execution thereof to the constable against the effects of the defendant, as in other cases cognizable before said judge, but the effects of the defendant thereon taken shall not be sold in less than three months (unless the same are perishable), to the end that the debtor or his friend may redeem the same, and in the meantime the same shall be inventoried and safely kept, in such manner as the judge shall direct.

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 March 20, 1878.

CHAPTER LXXXVIII.

An Act to authorize the formation of associations for the more effectual prevention and detection of crime.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for any number of inhabitants of a township, or any one or more townships in any county in this state, not less than twenty of such inhabitants of each township, each of whom shall be a freeholder, to form an association under this act to protect the inhabitants thereof and punish the lawless; in forming such association for the purpose of this act, may sign and execute a certificate under their hands and seals properly acknowledged before any officer authorized to take the acknowledgments of deeds by this state, and file the same in the office of the clerk of the county in which any such association proposes to form; in which certificate shall be set forth the name or title of the said association, and the general objects thereof, the number of directors thereof, which shall not be less than nine nor more than fifteen, the

Number of inhabitants to form association to be not less than twenty

Certificate to be executed and filed in office of clerk of county.

Number of directors to be not less than nine nor more than fifteen.

names of the officers and directors who shall be elected for the first year of the existence of any such association.

To have corporate powers upon making and filing certificate of association.

2. *And be it enacted*, That upon the making and filing of such certificate by such association, the said association, and such other persons as may be associated with them, are hereby constituted a body politic and corporate in law, by whatever name they shall assume, and by such name shall have succession and continuance, and be capable of suing and being sued, defending and being defended in all courts and places whatever, and may have and use a common seal, and alter and renew the same at pleasure, and by their name as aforesaid, and under their common seal, may make and enter into, execute and enforce any contracts or agreements relating, touching or concerning the objects of said corporation.

Election of officers.

3. *And be it enacted*, That a president, vice president, secretary and treasurer shall be elected by ballot, by a majority of the members of any association so organized: the president and vice president of such association so organized may, from time to time, apply, under their hands, to the governor of this state to commission one or more persons whom they shall designate, to act as marshals for the association in the county, and the governor upon such application, may appoint such persons, or so many of them as he may deem proper to be such marshals, and shall issue to each of such persons so appointed a commission to act as such marshals, a copy of which commission shall be filed in the office of the secretary of state.

Appointment of marshals.

Powers of the marshal.

4. *And be it enacted*, That every person so appointed as marshal shall possess all the powers of constables in criminal cases, and their compensation shall be defrayed by the association.

Commission of marshal, how revoked.

5. *And be it enacted*, That whenever the president and vice president of any such association, for the time being, shall file a notice in the office of the secretary of state, dispensing with the services of any one or more of such marshals, his or their commission shall be revoked, and the powers of said person or persons as such marshal shall cease and determine.

Powers and duty of marshals.

6. *And be it enacted*, That it shall be lawful for said marshals, and they shall have power and authority to arrest any person found within the limits of said county who shall have violated any law of this state within the county, or who

shall have wilfully interfered with the peace and good order of the county ; and the said marshal shall arrest every such person without warrant and endorsement, and bring him or her as soon as conveniently can be before some person exercising the duties of justice of the peace in criminal cases in the county where such association is organized, there to be dealt with according to law.

7. *And be it enacted*, That the governor of the state may appoint the president and vice president of such association for the time being special police justices of such association, to hold office until removed by the governor, or until they cease to hold the office of such president and vice president; and upon such appointment the governor shall issue to such person or persons a commission to act as such special police justice, and a copy of such commission shall be filed in the office of the secretary of state ; and upon the receipt of such commission the persons so appointed shall severally possess and may exercise within such county all the powers of a justice of the peace of this state in criminal cases, but shall not receive any fees for services performed in such cases.

Appointment of
special police
justices.

To be commis-
sioned by the
governor.

8. *And be it enacted*, That any such association is hereby empowered to purchase land within the township where the same is located, and to erect thereon a suitable house of detention, into which may be committed and safely kept by the marshals authorized under this act of this state, any person arrested for offences against the laws of this state ; the person so committed to be kept in such house of detention with like effect as if committed to the common jail of such county.

May purchase
land and erect
house of deten-
tion.

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

Approved March 20, 1878.

CHAPTER LXXXIX.

An Act providing for the maintenance of the State Industrial School for Girls.

Amount of appropriation.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That to enable the trustees of the said State Industrial School for Girls to defray the necessary expenses of the maintenance of said school, the sum of five thousand dollars is hereby appropriated, which the treasurer is directed to pay on the warrant of the comptroller.

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

Approved March 20, 1878.

CHAPTER XC.

An Act to authorize the issue of bonds to fund the floating debt of counties.

Board of freeholders may issue county bonds to fund floating debt.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the board of chosen freeholders of any county in this state, for the purpose of funding the floating debt that existed on the first day of January, eighteen hundred and seventy-seven, in any of the counties, for that purpose 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, and countersigned by the county collector of any such county, to be denominated on their face "funding bonds," for an amount not exceeding the amount of the floating debt of any such county, on the first day of January, eighteen hundred and seventy-seven;

When payable.

such bonds may be registered or coupon bonds, and shall bear a rate of interest not exceeding the legal rate at the date of issuing the same, payable half yearly, and shall be redeemable at any time and in such installments, not exceeding ten years from their date, and at any place within this state, as the board of chosen freeholders may direct; 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 the real estate and property within any such county shall be liable for the payment of the principal and interest that may become due on the bonds to be issued by virtue of this act.

Not be sold for less than par value.

2. *And be it enacted*, That the boards 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 such counties are assessed and collected, a sum of money sufficient to pay the interest on the said bonds as the same shall become due and payable; and to pay and discharge the principal at the several times it shall become due and payable.

Payment of bonds to be paid by tax.

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

Approved March 20, 1878.

CHAPTER XCI.

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

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That any company organized

Corporations may change the par value of their shares of capital stock; assent and certificate to be filed in office of secretary of state.

Proviso.

under the provisions of said act, may change the par value of the shares of its capital stock by filing in the office of the secretary of state the assent, in writing, of stockholders representing two-thirds in value of the capital stock for the time being, and also a certificate, under the hands and seals of said stockholders, or their legal representatives, stating the par value to which it is proposed to change said shares, which said certificate shall be proved or acknowledged and recorded in the manner provided in said act for the original certificate of organization and the certificate of the secretary of state, that such assent and certificate have been filed in his office, shall be taken and accepted as evidence of such change of par value in any court of this state; *provided, however,* that such assent and certificate shall be filed as aforesaid within thirty days after the execution of the same by said stockholders.

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

Approved March 20, 1878.

CHAPTER XCII.

A Supplement to the act entitled "An act for the collection of demands against ships, steamboats and other vessels," approved March twentieth, one thousand eight hundred and fifty-seven.

Section to be amended recited.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey,* That the second section of the act to which this is a supplement, which is in the words following, to wit: "Any person having due him the sum of twenty dollars or upwards, upon any debt contracted for any of the purposes hereinbefore specified, may make application to any officer authorized by law to perform the duties of a commissioner, appointed by the justices of the supreme court to take special bail and to administer oaths or affirma-

tions, or to one of the justices of the supreme court, or to one of the judges of the court of common pleas of the county, for a warrant to enforce the lien of such debt, and to collect the amount thereof," be and the same is hereby amended so that the same shall read and be in the words following, to wit: "Any person having due him any sum upon any debt contracted for any of the purposes hereinbefore specified, may make application to any officer authorized by law to perform the duties of a commissioner, appointed by the justices of the supreme court to take special bail and to administer oaths or affirmations, or to one of the justices of the supreme court, or to one of the judges of the court of common pleas of the county, for a warrant to enforce the lien of such debt, and to collect the amount thereof." Section as amended.

2. *And be it enacted*, That the first section of a supplement to the said act, approved March eighteenth, eighteen hundred and fifty-eight, which is in the words following, to wit: "Whenever a debt amounting to fifty dollars or upwards shall be contracted by the master, owner, agent or consignee of any ship or vessel within this state, for either of the following purposes, namely, on account of any work done or materials or articles furnished in this state, for or towards the building, repairing, fitting, furnishing or equipping such ship or vessel, or for wharfage and the expenses of keeping such vessel in port, including the expense incurred in employing persons to watch her, such debt shall be a lien upon such ship or vessel, her tackle, apparel and furniture, and shall be preferred to all other liens thereon, except mariner's wages," be and the same is hereby amended so that the same shall be and read in the words following, to wit: "Whenever any debt amounting to twenty-five dollars and upwards shall be contracted by the master, owner, agent or consignee of any ship or vessel within this state, for either of the following purposes, namely, on account of any work done or materials or articles furnished in this state, for or towards the building, repairing, fitting, furnishing or equipping such ship or vessel, or for wharfage and the expenses of keeping such vessel in port, including the expense incurred in employing persons to watch her, such debt shall be a lien upon such ship or vessel, her" Section to be amended. Recited.

Section as amended.

tackle, apparel and furniture, and shall be preferred to all other liens thereon, except mariner's wages."

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

Approved March 20, 1878.

CHAPTER XCIII.

An Act to to extend the time for the completion of horse railroads whose charters have or shall expire during the years eighteen hundred and seventy-seven and eighteen hundred and seventy-eight, where work has been performed on said horse railroads and money expended thereon.

Time for completing horse railroads extended to three years.

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 horse railroad authorized to be constructed within this state under special acts, shall or have expired during the years eighteen hundred and seventy-seven and eighteen hundred and seventy-eight, such time shall be and the same is hereby extended for a further period of three years; *provided, however*, that this act shall not apply unless money has been actually expended in surveys and locations of route, acquiring rights of way or construction.

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

Approved March 20, 1878.

CHAPTER XCIV.

An Act to authorize towns to levy taxes for the payment of legal corporate obligations and debts heretofore incurred.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That every town is hereby empowered, and it is hereby made its duty, to levy taxes to pay the interest and principal of any obligation or debt heretofore legally incurred by it, although the act or supplement authorizing the creation of such obligation or debt contains no express grant of power to levy taxes for that purpose, anything in the act incorporating such town, or in any supplement thereto in anywise to the contrary notwithstanding.

Tax to be levied to pay interest and principal of any debt, &c., heretofore incurred.

2. *And be it enacted*, That it shall be the duty of the governing body of such town to cause in each year a sufficient sum to be levied, assessed and collected by tax as will be sufficient to pay the interest due and to grow due during that year, and the principal due and to grow due during that year of any such obligation or debt; said sum to be levied, assessed and collected as other taxes of such town are or may be by law levied, assessed and collected, and in the assessing and collecting of said sum all officers shall proceed as by the law of this state they are bound to proceed, and be liable to the same pains and penalties as prescribed in the case of the collection of other taxes by them.

Duty of the governing body of town.

Tax, how levied and collected.

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

Repealer.

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

Approved March 20, 1878.

CHAPTER XCV.

An Act concerning the districts courts of cities in this state,
created by special statute.

Provisions of act not to apply. 1. BE IT ENACTED, *by the Senate and General Assembly of the State of New Jersey*, That the provisions of an act entitled "An act constituting district courts in certain cities of this state," approved March ninth, eighteen hundred and seventy-seven, shall not be held to apply to cities wherein district courts were in existence prior to the passage of said act.

Jurisdiction extended to two hundred dollars. 2. *And be it enacted*, That from and after the passage of this act the jurisdiction of all district courts, created by special statute, shall be and the same is hereby extended to every suit of a civil nature at law in which the debt, balance or other matter in dispute does not exceed, exclusive of costs, the sum or value of two hundred dollars.

Fees. 3. *And be it enacted*, That from and after the passage of this act, in all proceedings for the removal of tenants, instituted in any district court in the state, established by special statute, the following costs shall be taxed, and no others:

Summons,	. . . . .	25
Copy,	. . . . .	05
Recording return,	. . . . .	05
Entering action,	. . . . .	05
Entering judgment,	. . . . .	05
Entering costs,	. . . . .	05
Filing affidavit,	. . . . .	05
Filing summons,	. . . . .	05
Service of summons,	. . . . .	60
Trial fee in contested cases,	. . . . .	50
Trial fee in uncontested cases,	. . . . .	25
Order of dispossession,	. . . . .	25
Warrant of do.,	. . . . .	25
Recording do.,	. . . . .	05
Service of warrant,	. . . . .	50
Swearing each witness,	. . . . .	10
Marking every exhibit,	. . . . .	10

4. *And be it enacted*, That in all cities in this state wherein district courts are now established by special statute, in case any vacancy shall occur by reason of the death, resignation or expiration of the term of office of any judge of such courts, such vacancy shall be filled by appointment by the governor, by and with the advice and consent of the senate, and the person appointed to fill such vacancy shall hold office for five years and until his successor is appointed and qualified. Vacancies, how filled.

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

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

Approved March 20, 1878.

CHAPTER XCVI.

An Act concerning certain cities in 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, having a population of over twenty thousand inhabitants, and being sub-divided into four wards, there shall be elected at the next charter election to be held therein one councilman at large, who shall be the presiding officer or chairman of the board of councilmen of such city, and who shall hold his office for the term of one year, and who shall perform all the duties now devolving upon or performed by the chairman of the board of councilmen of any such city. Election of councilman at large. Term of office.

2. *And be it enacted*, That hereafter the councilmen to be elected to any such city shall receive no salary, and shall, before entering upon the duties of their respective offices, execute a bond to the mayor and council of any such city in the sum of five thousand dollars, conditioned for the faithful performance of their duties, which said bond shall be Councilmen to give bond.

approved of by the court of common pleas of the county, and shall be filed in the office of the city clerk of any such city.

Mayor not to receive salary.

3. *And be it enacted*, That hereafter the mayor of any such city, and whose salary is now fixed by any special law of this state at the sum of one thousand dollars per annum, shall receive no salary for his services.

Compensation to be paid the collector of revenue.

4. *And be it enacted*, That the salary of the collector of revenue of any such city shall hereafter be two thousand dollars, and he shall be entitled to such per centage for the collection of arrears of personal taxes as are now allowed by law; and that the city assessor of any such city shall have an annual salary of two thousand dollars; that the city clerk of any such city shall hereafter receive a salary at and after the rate of two thousand dollars, to be in lieu of all fees of every kind whatever, and all the fees and emoluments to which the city clerk of any such city is entitled, or which may be collected by him under existing special acts of this state, or by the charter of such city or any supplement thereto, shall continue to be collected by him, and paid over once in each week to the city treasurer of any such city, who shall report the receipt of the same to the council of such city as often as convenient.

Compensation of assessor and city clerk.

All moneys received to be paid into sinking fund.

5. *And be it enacted*, That all moneys hereafter paid to and received by any such city for licenses, market rents and from all sources other than taxes, assessments and water rents or the arrears thereof, as well as all fees of every kind received by any city officer, shall be paid into the sinking fund of such city and devoted to the purposes thereof.

Repealer.

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

Approved March 20, 1878.

CHAPTER XCVIII.

An Act amending an act entitled "An act concerning divorces."

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That hereafter the fees of examiners in chancery for taking examinations of witnesses on applications for divorce, shall be the same as the fees provided for the same service in other cases. Fees of examiners for taking examinations on applications for divorce.

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

Approved March 21, 1878.

CHAPTER XCIX.

A Further Supplement to an act entitled "An act to regulate fees," approved April fifteenth, eighteen hundred and forty-six.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in those counties whose population, as ascertained by the last census of this state, is over forty thousand and less than forty nine thousand inhabitants, the salary of the prosecutor of the pleas shall be fifteen hundred dollars per annum, which sum shall be paid to him by the county collector in quarterly installments, and shall be in lieu of all fees and costs, now received by him or to which he now is or might be by any law entitled in criminal cases, which said fees and costs shall be collected by the sheriff and be by him paid over to the county collector for the use of the county. Salary of prosecutor of pleas in certain counties.

Repealer. 2. *And be it enacted*, That all acts general and 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 March 21, 1878.

CHAPTER C.

Supplement to an act entitled "An act to establish a system of public instruction," approved March twenty-seventh, eighteen hundred and seventy-four.

Superintendent and board of trustees of public schools may borrow money in anticipation of receipts

Proviso.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in all cases in which the public schools of any city are under the management and control of a body corporate, consisting of a superintendent and board of trustees, it shall be lawful for said body corporate to borrow temporarily, in anticipation of receipts, and at the legal rate of interest, a sum of money not exceeding the total annual appropriation from the state two mill tax to such body corporate, and to give a note or notes or other evidence of indebtedness therefor, signed by the proper officers; and whenever any such loan shall be effected, the next moneys coming to the hands of said body corporate shall be applied to the payment thereof, until the whole, principal and interest, is paid; *provided*, that this act shall apply only to such school superintendent and trustees as are made by their act of incorporation the direct custodians of the moneys appropriated by the state of New Jersey for school purposes.

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

Approved March 21, 1878.

CHAPTER CI.

A Further Supplement to an act concerning disorderly persons, approved April ninth, one thousand eight hundred and seventy-five.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section one of the act to which this is a supplement, which section as amended by supplement approved January twenty-ninth, one thousand eight hundred and seventy-eight, reads: that the fees of the justice of the peace and constables or police officers for arresting and committing disorderly persons under the provisions of the act to which this is a supplement, shall be twenty-five cents to the justice of the peace, and fifty cents to the constable or police officer making the arrest, and no more, shall be amended to read as follows: that the fees of the justice of the peace, magistrate or alderman for committing, and constable or police officer making the arrest, shall be twenty-five cents to the justice of the peace, magistrate or alderman for committing, and fifty cents to the constable or police officer making the arrest, and the sums herein stated shall be in full of all other fees and charges whatsoever.

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

Approved March 21, 1878.

CHAPTER CII.

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

Penalty for removal, by mortgagor, of any property out of the county where it was situated at the time it was mortgaged.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That a mortgagor of personal property in possession of the same, who, without the consent of the owner of the claim secured by mortgage, and with intent to defraud, removes any of the property mortgaged out of the county where it was situated at the time it was mortgaged, or secretes, destroys, sells or exchanges the same without such consent, shall, be deemed guilty of a misdemeanor, and upon conviction thereof, shall be punished by a fine of not more than one thousand dollars, or imprisonment at hard labor not exceeding six months or both at the discretion of the court.

Approved March 21, 1878.

CHAPTER CIII.

Supplement to an act entitled "An act to establish a system of public instruction," approved March twenty-seventh, eighteen hundred and seventy-four.

Trustees authorized to invest income of school fund in public bonds.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever, in the judgment of the trustees for the support of free schools of this state, or a majority of them, it shall not be deemed advisable or for the best interests of the school fund to invest the income

of the said fund in bonds secured by mortgage on land, they shall have power to invest the said income, or any portion thereof, in the bonds of the United States and of this state, and of the several counties, townships, boroughs and cities of the same.

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

Approved March 21, 1878.

CHAPTER CV.

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.

WHEREAS, as guardians of the public welfare, the state authorities are called upon to consider and in all legitimate ways endeavor to improve the physical, mental and moral condition of the citizens of the state, especially those whose daily toil contributes so largely to the prosperity of manufacturing and other productive industries; therefore,

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That there shall be appointed from this state, on nomination of the governor, to be confirmed by the senate, some suitable person to act as chief of, and who shall constitute a bureau of statistics with headquarters in the state house, who shall hold his office for five years and until his successor is appointed.

2. *And be it enacted*, That the duties of such bureau shall be to collect, assort, systematize and present in annual reports to the legislature on or before the last day of October in each year, statistical details relating to all departments of labor in the state, especially in its relations to the commercial, industrial, social, educational and sanitary condition of the laboring classes, and in all suitable and lawful ways foster and enlarge our manufacturing and

every other class of productive industry, with the view to their permanent establishment upon a prosperous basis, both to the employer and the employed.

May examine witnesses.

3. *And be it enacted*, That the said chief shall have power to examine witnesses under oath.

Compensation to chief and assistant.

4. *And be it enacted*, That the compensation of said chief shall be twenty-five hundred dollars annual salary, and he is hereby authorized, in concurrence with the governor and comptroller, to employ such assistance and incur such expense in the discharge of his official duties, not exceeding the sum of two thousand dollars, including printing, stationery, traveling expenses, postage, and so forth; *provided*, that no assistant shall receive more than four dollars per day.

Treasurer to pay money on receipt of vouchers.

5. *And be it enacted*, That the treasurer of this state is hereby authorized to pay from any money in the treasury, not otherwise appropriated, and upon receipt of vouchers by the said chief, such sums of money as may be necessary to meet the salaries and incidental expenses incurred by the provisions of this act.

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

Approved March 27, 1878.

CHAPTER CVII.

An Act concerning the granting of licenses to sell strong and spirituous liquors, wine, ale and beer within the limits of incorporated cities.

Appointment of board of excise commissioners.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in each and every city in this state, whose charter or its supplements provide that all licenses for the sale of strong and spirituous liquors, wine, ale and beer within the limits of such city shall be granted by a board of excise commissioners, consisting of resident freeholders of such city, nominated by the mayor and con-

firmed by the common council of such city, and who shall not be from the same political party; all licenses hereafter granted by such board of excise commissioners for the sale of ale, beer and light wines, as hereinafter provided, shall expire on the first day of July next succeeding the granting of any such license.

License granted

Licenses to expire on a certain day.

2. *And be it enacted*, That the license fee to be hereafter charged by such board of excise commissioners for selling strong and spirituous liquors, wine, ale and beer shall be not exceeding seventy-five nor less than fifty dollars, and that the license fee for the sale of ale, beer and light wines shall not exceed twenty-five nor be less than fifteen dollars for the term of one year from the date of any such license; that such board of excise commissioners shall grant license for the sale of strong and spirituous liquors, wine, ale and beer, or for the sale of ale, beer and light wines for any part of a year not less than one month next preceding the first day of July, every such license so granted to expire as provided in the first section of this act; that the license fee to be charged and assessed by such board of excise commissioners for the sale of strong and spirituous liquors, wine, ale and beer for a less time than one year, shall be at the rate of not more than seven nor less than four dollars a month for each month of the unexpired year; that the license fee for the sale of ale, beer and light wines for a less time than one year shall be at the rate of not more than three nor less than one and a half dollars a month for each month of the unexpired year, and that all fees for license shall hereafter accompany any and all applications for license, such fee to be returned to the person or persons applying for license in all cases where applications for license are refused by such board of excise commissioners; *provided*, that such board of commissioners may, at their option, transfer any license by them granted to any person or persons who may apply to them for such transfer.

License fee.

License fee when for a less period than one year.

Proviso.

3. *And be it enacted*, That any such board of excise commissioners may, at their option, transfer any license by them granted to any person or persons to any other person or persons who shall apply to them for such transfer; *provided*, that such board of excise commissioners shall be satisfied that any such person or persons are of good moral character, and upon the payment of a transfer fee of three dollars;

License may be transferred.

Proviso.

that any transfer of license shall be written or printed upon the face of any such license, and any such transfer shall entitle and authorize any person or persons to continue at the same place of business the sale of strong and spirituous liquors, wine, ale and beer, or ale, beer and light wines, as provided and mentioned in any and every of such licenses respectively.

Penalty for selling without license.

4. *And be it enacted*, That whoever shall sell any strong or spirituous liquors, wines, ale or beer, in quantities less than five gallons at a time, at any place within such incorporated city, without having a license therefor, granted by such board of excise commissioners, shall on conviction thereof, according to the form of the statute in that behalf made and provided, forfeit and pay such sums as may be fixed by the special police justice before whom such conviction shall be had; *provided*, the amount of such forfeiture or fine for any one violation of the provisions of this act shall not exceed the sum of fifty dollars.

Proviso.

Repealer.

5. *And be it enacted*, That all acts or parts of acts inconsistent with any of the provisions of this act, concerning all incorporated cities mentioned in the first section of this act, be and the same are hereby repealed, and this act shall take effect immediately; *provided*, that the provisions of this act shall not apply to any city having by the last census less than one hundred thousand inhabitants.

Proviso.

Approved March 27, 1878.

CHAPTER CVIII.

An Act relating to the purchase of land and water rights by boards of water commissioners, and issuing bonds therefor.

Consent of common council to be obtained before issuing bonds.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in all cases where there is in any city of this state an aqueduct board or board of water commissioners, it shall not be lawful for such board to make

any contract or issue any bonds for the purchase of any land or water rights for the purpose of supplying said city with water, without having first obtained the consent of the common council or other governing body of such city thereto.

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

Approved March 27, 1878.

CHAPTER CIX.

An Act to enable gaslight companies incorporated under the laws of this state to increase their bonded indebtedness.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever it may be necessary for any gaslight company incorporated under the laws of this state to increase their bonded indebtedness, for the purpose of increasing their business or for any other purpose, then and in that case the said corporation, by a majority vote of its board of directors, after having obtained the consent of a majority of the stockholders representing at least sixty (60) per cent. of the capital stock, be and they are hereby authorized to increase said bonded indebtedness to any amount not exceeding two-thirds of the amount of the capital stock of said company, the said increase as aforesaid to be governed by the law and pursued under the mode directed by the act of incorporation of such gaslight company.

Bonded indebtedness may be increased by consent of a majority of the stockholders

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

Approved March 27, 1878.

CHAPTER CX.

An Act to incorporate historic societies in this state.

Proceedings for
electing trus-
tees.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That any of the citizens of this state resident in any county of this state are hereby authorized to assemble at the place where the court of common pleas is usually held in such county, at any time by them agreed upon, giving at least five days' notice of the time and place and purpose of assembling by an advertisement set up in open view at or near such place of meeting, and also advertised in one or more of the public newspapers of said county for at least ten days; and when so assembled may by a plurality of voices of such of said citizens as are then present elect any number not exceeding seven of said citizens to be trustees of said society, which said trustees and their successors in office are hereby constituted a body politic and corporate in law by whatever name they shall assume agreeably to the directions of this act.

Trustees to
make certifi-
cate of name of
incorporation.

2. *And be it enacted*, That the said trustees when they take upon themselves a name shall certify such name under their hands and seals and transmit such certificate to the clerk of the court of common pleas of the county, whose duty it shall be forthwith to record the same, and he may receive one dollar as the fee of recording the same.

May acquire
and hold lands,
&c.

3. *And be it enacted*, That said trustees and their successors shall by such name of incorporation be able and capable to require, purchase, receive, have and hold any lands, tenements and personal property for the use of said society to an amount not exceeding fifty thousand dollars for the erection of a monument and preserving mementos of historic events.

Notice to be
given of elec-
tion for first
trustees.

4. *And be it enacted*, That for the purpose of perpetuating a line of succession in the trustees of every such society, it shall and may be lawful for the members of said society to assemble at any time they may think proper, giving notice thereof, as hereinbefore directed, for the election

of the first trustees, or for the election of any other trustee in the stead of those or any of those before elected in case they see cause for the removal of any of said trustees; *provided*,^{Proviso.} said removal shall not be less than one year after his or their election into office, and also to fill up the vacancy which may be occasioned by the death or resignation of any trustee, or his moving out of the limits of the said society.

5. *And be it enacted*, That the said body corporate by its trustees or a majority of said trustees, shall make all such^{May make by-laws, &c.} by-laws, rules, and regulations, and elect such officers annually as may be proper and necessary to transact the business of said society and further the purposes thereof.

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

Approved March 27, 1878.

CHAPTER CXI.

An Act to incorporate societies or clubs for social, intellectual and recreative purposes.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That every society or club, composed of not less than ten members, associated for social, intellectual and recreative purposes, be and they are hereby authorized at any regular meeting of such society or club, or at any special meeting held at the regular place of meeting of such society or club, called by not less than ten days' notice in writing, set up at such place in plain view by a majority of votes, to elect by ballot a president and such other officers as shall be deemed necessary, which society or club and such other persons as may be associated with them, shall, upon the making and filing of a certificate as^{Elections to be by ballot.} hereinafter provided, be constituted a body politic and corporate in law, by whatever name they shall assume, and by such name shall have succession and continuance and be capable in law of suing and being sued, defending and being^{Certificate to be filed.}

defended, in all courts and places whatever, and may have and use a common seal, and alter and renew the same at pleasure, and by their name as aforesaid and under their common seal may make and enter into, execute and enforce any contracts or agreements relating to, touching or concerning the objects of said corporation.

Certificate of name, how acknowledged.

2. *And be it enacted*, That the said certificate shall be in writing, shall be signed by the officers so as aforesaid elected, and shall set forth the name of such society or club and a copy of their official seal, which certificate shall be acknowledged or proven in the same manner as required for deeds of real estate, and shall be filed in the office of the clerk of the county in which said society or club shall have holden said meeting, and it shall be the duty of said clerk to record the same, for which he shall be entitled to charge at the same rate as for recording deeds of real estate.

Certificate to be recorded.

Certified copy of articles of association to be evidence.

3. *And be it enacted*, That a copy of any articles of association filed and recorded in pursuance of this act or of the record thereof, with a copy of the acknowledgment annexed thereto, when certified by the clerk of the county wherein the same shall be filed and recorded under his hand and official seal, shall be presumptive evidence of the incorporation of said society or club, and the facts therein stated.

Property shall be vested by corporate name

4. *And be it enacted*, That the estate and property of what kind soever the same may be of such society or club shall be vested in them as a corporation, and by their corporate name such society or club shall be able to acquire, purchase, receive, take, have and hold for the use and benefit of such corporation and for the purpose of effecting and carrying out the objects of its incorporation, any lands, tenements and hereditaments, and any sum or sums of money, rights, securities, goods and chattels by gift, grant, alienation, devise, bequest or otherwise, of any person or persons, bodies politic or corporate, and the same or any part thereof to sell, grant, assign, devise, alien and depose of.

May make constitution and by-laws.

5. *And be it enacted*, That societies or clubs incorporated under this act shall be authorized to make, adopt and use, and from time to time to alter, amend or change such constitution and by-laws for their government as to them shall seem right and proper; *provided*, that nothing in said constitution or by-laws shall be repugnant to the constitution or laws of the United States or of this state.

Proviso.

6. *And be it enacted*, That the officers of any society or club incorporated under this act shall be elected or appointed at such times and at such place and in such manner as such society or club shall by their constitution or by-laws provide.

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

Approved March 27, 1878.

CHAPTER CXII.

An Act to prevent the deposit of mud, earth, soil, ashes or refuse on the New Jersey shore of the Delaware river, and protect the docks and shipping interests therein,

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be unlawful for any person or persons, by means of any boats, scows or vessels, in any manner whatever, to cast or cause to be cast, thrown, dumped or deposited, any mud, earth, soil, ashes or refuse rock, or other solid substance or material, into the waters of the Delaware river, at any point east of the line between the states of New Jersey and Pennsylvania, below the southerly boundary line of the city of Bordentown, where the same strikes the line of the Delaware river, unless the same be so deposited, dumped or placed within a bulkhead for filling, or by the side of a bulkhead to be thrown over the same, or be so confined that no dirt or refuse can escape into the waters of said river.

2. *And be it enacted*, That every person or persons who shall in any manner violate the provisions of this act, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not less than twenty-five dollars nor more than fifty dollars, for each and every offence as specified in section one, except where mud is dumped by mud scows or dredging scows, then the fine to be imposed is to be not less than fifty dollars nor more than one hundred dollars, for each and every scow load dumped into the river.

Before whom
violations may
be prosecuted.

Proviso.

3. *And be it enacted*, That violations of this act may be prosecuted before any justice of the peace of any court having jurisdiction of violation of ordinances in any town or city of this state, where said offence shall be committed; *provided, however*, that nothing in this act shall be held to interfere with improvements made upon lands under water which have been or may be granted or leased by the riparian commissioners, or which have been granted directly by legislative act, but all such improvements shall be so made as to deposit, dump or place all filling behind a bulkhead, so that no portion of such filling-in shall escape on to the lands under water adjoining such grantee or lessee of the riparian commissioners, or such grantee or lessee by direct legislative act.

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

Approved March 27, 1878.

CHAPTER CXIII.

An Act to regulate primary meetings and caucus of the several political parties of this state for the nomination of persons to be voted for at any elections held in this state.

Persons entitled to vote.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That no person who is not at the time being entitled to vote, by the laws of this state, at the special, general and local elections held in this state shall vote at any primary meeting or caucus called or held by any political party or political organization of this state for the nomination or selection of persons to be voted for at any such elections, and unless such person is a legal resident of the ward, township or aldermanic district in which such primary meeting or caucus is held.

Penalty for illegal voting, &c.

2. *And be it enacted*, That if any person or persons aforesaid, shall vote or offer to vote at any of the aforesaid elections, knowing or having reason to believe himself not entitled

to vote as aforesaid, or if any person or persons shall counsel or procure any one to vote as aforesaid, knowing or having reason to believe such voter not entitled so to vote, such person or persons shall be deemed to be guilty of a misdemeanor, and on conviction thereof shall for each offence be punished by imprisonment at hard labor for not over a term of three months, or by a fine of not over one hundred dollars, or both, at the option of the court.

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

Approved March 27, 1878.

CHAPTER CXIV.

A Supplement to an act entitled "An act concerning railroad corporations," approved March sixth, eighteen hundred and seventy-seven.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for any railroad corporation created by special act or as lessees thereof owning or operating a railroad within this state, to take and acquire title in the manner prescribed by the act under which such railroad may have been originally constructed or under which such power may have been at any time conferred or derived by way of supplement or otherwise, to all such lands as shall be necessary in the judgment of the directors of said corporation to straighten or shorten the route of said railroad or to connect points thereon by shorter lines or branches, and to all such lands as shall be necessary as aforesaid for the erection of freight and passenger depots and all the legitimate purposes of said company upon such shortened or connecting line; and said corporations are hereby again invested for this purpose with all the powers, privileges and franchises given in said act for acquiring and taking title to lands required for their use; *provided*, May take and acquire title to lands necessary to straighten or shorten route of railroad. PROVIDE. that no more than one hundred feet in width for the main

track of any road shall be taken for the right of way except where for the depth of cut or the height of embankment more is necessary to be taken.

Corporation having established route may transfer route, land or right of way.

2. *And be it enacted*, That if any corporation shall have been already organized and shall have established a route which when constructed would straighten or shorten the route of any other railroad corporation aforesaid or would connect points thereon, forming thereby in connection therewith a shorter line therefor, such first herein mentioned corporation is hereby authorized to transfer such route and any land or right of way by it taken, acquired or agreed for to such other railroad corporation, and such last mentioned railroad corporation is hereby authorized to receive and acquire such route, land, or right of way and to possess the same as the successors and assigns of said first herein mentioned corporation, subject only to the conditions of any grant thereof; *provided, always*, that this section of this act shall not authorize condemnation in any case where such connecting straightening or shortening route shall have been actually constructed and in operation, that such connecting, shortening, straightening or widening shall not be made within the limits of any incorporated city.

Proviso.

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

Approved March 27, 1878.

CHAPTER CXVI.

An Act in relation to macadamized road companies in certain cases.

Penalty for not keeping road in repair.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That if any macadamized road company in this state heretofore incorporated by act of the legislature shall have been indicted and fined more than once within two years preceding the passage of this act for not keeping its road in proper repair, and shall be again

indicted for the same offence, upon conviction upon such indictment, or upon pleading guilty or *non vult contendre* thereto, such company shall be fined not less than fifty nor more than three hundred dollars at the discretion of the court; and it shall not be lawful for such company to collect any tolls upon its road after such conviction or plea until such fine and the costs of court shall have been paid.

Not lawful to collect tolls until fines and costs are paid.

2. *And be it enacted*, That all road taxes paid to any such company in pursuance of any provisions of the act incorporating the company shall be exclusively applied to keeping the road of such company in proper repair, and for no other purpose whatever; if any five property owners residing along the line of such macadamized road shall present a written statement, signed by them, to the inferior court of common pleas of the county in which they reside, setting forth that within twelve months they have paid road taxes to the company owning such road, and that such road is not in good condition, and they do not believe the said road taxes have been expended by the company in working or improving the road, the said court shall issue an order to such company, requiring a statement, verified by the oaths or affirmations of the president and secretary of such company, to be filed with the clerk of said court within ten days, showing in detail the receipts and disbursements of such company, from whom received and to whom paid and for what purpose; and it shall not be lawful for such company to collect any tolls on said road after ten days from the issue of such order, until the aforesaid statement shall have been filed.

Road taxes, how applied.

Proceedings when road is not in good condition.

Statement to be filed with clerk of court.

3. *And be it enacted*, That if the said statement shall be filed as aforesaid, and it shall appear therefrom to the satisfaction of said court that the moneys paid to such company as road taxes have not been exclusively applied to the keeping of the road of such company in proper repair, the said court shall thereupon issue an order that the company shall at once proceed to expend upon the working and improvement of such road a sum equal to the full amount received during the preceding twelve months from road taxes as aforesaid; and after the issue of such order it shall not be lawful for such company to collect any tolls upon its road until the said order shall have been complied with to the satisfaction of said court.

Proceedings when road taxes have not been exclusively applied to keeping of road in proper repair.

Penalty for receiving tolls in excess of rates authorized by charter.

4. *And be it enacted*, That if any such macadamized road company, heretofore indicted as aforesaid for not keeping its road in proper repair, shall take or receive any tolls in excess of the rates authorized in the act incorporating such company, it shall forfeit twenty dollars for each offence, to be sued for and recovered in an action of debt in any court of competent jurisdiction by any person from [whom] such excessive tolls shall have been taken or received.

Repealer.

5. *And be it enacted*, That all acts or parts of acts inconsistent with this act be and the same are hereby repealed in so far as they are inconsistent herewith, and this act shall take effect immediately.

Approved March 27, 1878.

CHAPTER CXVII.

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

Copy of execution issued against any town or other municipal corporation to be served on the assessor of such town, &c., in certain cases.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That when any execution shall be issued against any town, township, borough or other municipal corporation of this state, by any court authorized to issue the same, upon any judgment against such town, township, borough or municipal corporation, whether upon a judgment recovered before the passage of this act or subsequent thereto, and there shall be no property belonging to such town, township, borough or other municipal corporation sufficient to satisfy the same whereon to levy, then the officer authorized to execute such process shall serve a copy of the same, not only on the collector of such town, township, borough or other municipal corporation, as is now required by law, but also upon the assessor thereof, who is by law required to assess the taxes in and for such town, township, borough or municipal corporation; and upon receipt of such copy of execution it shall be the duty of such assessor to assess and

levy, in addition to the regular taxes, the amount due upon the said execution, with interest to the time when the same shall be paid to the officer serving such process, upon all the property within such town, township, borough or other municipal corporation; and this tax shall be assessed and collected at the same time and in the same manner and under the same conditions, restrictions and regulations as taxes for other purposes are required to be assessed and collected in such town, township, borough or municipal corporation, and when collected shall be paid over to the officer serving the said process.

Duty of the assessor on receipt of such copy.

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

Approved March 27, 1878.

CHAPTER CXVIII.

An Act to facilitate the collection of taxes in boroughs and towns.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in all boroughs and towns having a population of not more than seven thousand nor less than three thousand, by the census of eighteen hundred and seventy-five, if the full amount of any tax assessed upon or against any lot or sub-division of a lot within the limits of any such corporation with the interest and costs shall not be paid and satisfied before the first day of January in each and every year, it shall be the duty of the collector or receiver of taxes within one week thereafter to prepare a transcript of such unpaid taxes, including in such transcript the names of the owners, if any be given, of such lands and real estate, the description thereof and the amount of taxes thereon, respectively, and enter the same in a book to be kept for that purpose; and the said collector or receiver of taxes may in such transcript correct any errors of description in such returns and statements by comparing

Proceedings when full amount of any tax on lot or sub-division of lot is not paid before a certain day.

Transcript of such unpaid taxes to be made.

Notice to be given.

Part of lot on which tax has been paid to be exempt from sale.

Notice to be given of intention to collect taxes unpaid by public sale of land, &c.

the same with the original assessment of taxes made by the assessor or assessors of such corporation; and immediately after completing such transcript he shall cause a notice to be published in one or more newspapers printed and published in said borough or town and designated by the common council, or he shall cause a notice to be posted in ten of the most public places in said borough or town, stating that said transcript of unpaid taxes has been made and that unless said taxes shall be paid at his office within twenty days after the first publication or posting of said notice the same will be collected by public sale according to law; if any person or persons shall before such sale tender to the collector or receiver of taxes the full proportionate amount of tax and costs due on any portion of a lot plotted on the corporation atlas, and shall present at the same time a correct written description satisfactory to said officer of the part of lot on which he, she or they tenders or tender the payment of tax, the amount so tendered shall be received by said officer and the part of lot on which payment of tax shall have thus been made shall not be sold under the provisions of this act authorizing the sale of land for non-payment of taxes.

2. *And be it enacted,* That after the expiration of the said twenty days the collector or receiver of taxes shall give public notice of his intention to collect the taxes mentioned in said transcript then remaining unpaid by public sale at auction of the land and real estate whereon said taxes were imposed, which notice shall embrace the names of the owners, if any be given, of such lands and real estate, the description thereof by its mark or number on the corporation atlas, the amount of taxes unpaid with interest and costs due thereon respectively, and shall designate the time and place of sale, and shall be signed by said collector or receiver of taxes, and be printed in at least one newspaper printed and published in said borough or town once in each week for four weeks before the time appointed for such sale, or shall be posted for four weeks in ten of the most public places in said borough or town; and if any tax shall remain unpaid on the day specified in such notice, the said collector or receiver shall proceed to sell by public auction at the time and place appointed in said notice the lots and real estate on which said tax shall have been imposed or may be a lien, for the lowest term of years, but in no case exceeding fifty years,

for which any person will take the same and pay the amount of such tax with the interest thereon and all costs, fees and charges and expenses; such payment shall be made before the conclusion of the sale, and if not so made the collector or receiver of taxes may resell the property; the sale may be adjourned from time to time until the lots and real estate are disposed of, and such as are not bid for when offered for sale or for resale, as aforesaid, shall be struck off to the corporation for the term of fifty years; *provided*, that the advertisement of any adjourned sale shall be in general terms, and shall not embrace the detailed description required in the original advertisement of such sale; a certificate of the sale of each lot or subdivision of a lot sold as aforesaid shall be made within ten days thereafter by the collector or receiver of taxes and delivered to the purchaser; such certificate shall contain a description of the property by its number or mark on the corporation atlas, and the term for which it was sold, and state the particular tax, the amount thereof with interest and expenses for which the sale was made and the time when the right to redeem will expire, and the terms upon which the same may be redeemed; and the collector or receiver of taxes shall record in his proceedings upon such sales, and all sales made and certificates granted by him, and all redemptions of property sold by him.

3. *And be it enacted*, That within two months after receiving such certificate of sale it shall be the duty of the person or persons receiving the same, to serve upon the owner or owners of such property so by him, her or them bought, a notice or notices informing the said owner or owners of the time when, by whom, and for what term the said property has been bought, and when and at what expense the same may be redeemed, as provided in the next following section, which notice or notices may be served personally on said owner or owners if resident within said borough or town, or by leaving the same at the place of abode of such owner or owners, or if not resident as aforesaid, then by mailing the same, postage prepaid, to the post office address of such owner or owners, if the same, upon due inquiry, can be ascertained; if the owner or owners be unknown, or his, her or their address or addresses cannot be ascertained, then such notice or notices shall be served upon the principal occupant of such property if the same be occupied; and the person or per-

Proviso.

Duty of person or persons receiving certificate of sale.

sons receiving any such certificate of sale shall file in the office of the collector or receiver of taxes an affidavit of service as herein required, or why the same could not be made, which affidavit shall be so filed before the holder of any such certificate of sale shall receive a deed for the property for which the certificate of sale was issued.

Certificate of sale to be presumptive evidence of facts therein stated.

4. *And be it enacted*, That every certificate of sale shall be presumptive evidence of the facts stated therein, and shall be recorded in the office of the clerk of the corporation in proper books kept for that purpose, and shall constitute a lien upon the lots or subdivisions of lots and premises therein described after the same shall have been so recorded, and no assignment of any certificate given on the sale of lands and real estate for any taxes shall have any effect until the same shall be recorded as aforesaid in the office of the clerk of the corporation; a declaration of sale shall not be executed and delivered until the certificate has been canceled and filed with the clerk of the corporation, unless the loss or destruction thereof be established by affidavit to the satisfaction of the common council.

Certificate of sale assignable.

5. *And be it enacted*, That if the corporation become the purchaser of any lot or subdivision of a lot upon any such sale, the certificate of sale shall be assignable, and all the provisions of this act in relation to such sale shall apply to the borough or town as to any other purchaser.

Six months' notice in writing to be given mortgagee.

6. *And be it enacted*, That no mortgagee or mortgagees whose mortgage shall have been duly recorded before sale for any tax, shall be divested of his, her or their rights in such property, unless six months' notice in writing of such sale shall have been given him, her or them by the purchaser or purchasers, or by any person or persons claiming under him, her or them, personally, if a resident of such borough or town, and if not such a resident, then upon the owner or owners of the premises, if he, she or they be resident in such borough or town, and by depositing such notice in the post office of said borough or town, directed to the said mortgagee or mortgagees, at his, her or their place or places of residence, as stated in the mortgage or assignment thereof; but nothing herein contained shall be so construed as to impair the lien created by such sale within a month after the service of such notice; it shall be the duty of the persons serving or causing the same to be served to file in the office

Lien not impaired.

of the corporation clerk a copy of the notice served, together with the affidavit of some person who shall be certified by the officer before whom such affidavit shall be taken, to be a credible person, proving the due service of said notice.

7. *And be it enacted*, That the owner or mortgagee, occupant or any person or persons having a legal or equitable interest in any land or real estate sold for taxes as aforesaid, may redeem the same at any time within two years from the time of such sale by paying to the borough or town treasurer or such other officer thereof as shall exercise the functions of a treasurer, for the use of the purchaser, his heirs or assignees, the said purchase money, together with any other tax or assessment chargeable thereon, and which the said purchaser may have paid, and any sum of money expended in any improvement made by the order of the common council (*provided*, a notice of such payment has been filed in the office of said treasurer or other officer), with interest on such purchase money at the rate of ten per centum per annum from the time of such sale and expenditure, and on such payment or payments from the time of filing such notice as aforesaid, and the certificate of such treasurer or other officer, stating the payment and showing what property such payment is intended to redeem, shall be evidence of such redemption; upon the receipt of such moneys by said treasurer or other officer, he shall cause the same to be refunded to the purchaser, his heirs or assigns, and all proceedings in relation to said sale shall cease and determine; if the person so redeeming be a judgment creditor or mortgagee of the premises he shall have a lien on the lot and real estate redeemed by him by virtue of this act for the amount paid by him as aforesaid to said treasurer or other officer 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 same in the same manner.

Time within which land may be redeemed.

Proviso.

8. *And be it enacted*, That if any lot or subdivision of a lot so sold shall not be redeemed as by this act provided, the common council shall execute to the purchaser, his legal representatives or assigns at his or their expense, a declaration of sale under the common seal of the corporation, signed by the mayor and attested by the clerk of the corporation, containing a description of the premises by its

Proceedings if land is not redeemed.

mark or number on the corporation atlas, the fact of the assessment, advertisement and sale, the date of the sale and the period for which the premises were sold, which declaration shall be recorded in the office of the clerk of the county in which such borough or town is situate, and until the same shall have been so recorded such lots and real estate may be redeemed as hereinbefore provided, notwithstanding the period of two years from the time of said sale may have expired; such declaration of sale shall be presumptive evidence in all courts and places that such sale and proceedings were regularly made and had according to the provisions of this act, and such purchaser or purchasers and his and their legal representatives shall by virtue thereof lawfully hold and enjoy such lots and real estate with the rents, issues and profits thereof, for his and their proper use, against the owner or owners thereof and all persons claiming under him or them, until the term for which the purchaser or purchasers may have agreed to take the same shall be completed and ended; and at the expiration of said term shall be at liberty to remove all the buildings or materials which he or they shall have erected or placed thereon, and shall peaceably and quietly yield up such lots and real estate to the lawful owner or owners thereof, in as good order and condition as they were at the beginning of said term, natural wear and tear and damages by the elements excepted, and shall pay all taxes to be paid which shall be legally assessed thereon during said term; *provided*, that whenever satisfactory evidence shall be produced to the common council that any lot so sold belongs to an idiot, lunatic or infant, for whose estate no guardian shall have been appointed, they shall direct the mayor and the clerk of the corporation to postpone the execution of a declaration of sale of such lot until at least four months after they shall have evidence that such disability has been removed, or guardian or trustee of said estate appointed; and until the expiration of said four months, such guardian or trustee, or person whose disability has been removed may redeem such real estate as hereinbefore provided.

9. *And be it enacted*, That it shall be the duty of the corporation clerk to record in proper books kept for that purpose all certificates of sale and assignments thereof, to give certificates of search in relation thereto to any person or

Declaration of
sale to be evi-
dence.

May remove
buildings, &c.,
at expiration of
term.

Proviso.

Certificates of
sale to be re-
corded.

persons applying for the same, and to cancel such certificates of sale and assignments thereof so recorded when the lots and real estate for which they were given shall be redeemed on certificates of the treasurer or other officer exercising the functions of treasurer, of such redemption, and to file such certificates in his office; it shall be the duty of the treasurer or other officer exercising the functions of a treasurer to make out two receipts for all property redeemed, one for the person redeeming and one to be filed in the office of the clerk of the corporation.

10. *And be it enacted*, That the commissioners of appeal in cases of taxation shall meet at such time and place and upon such notice as the common council shall direct and appoint, and when so met shall have power and authority to hear and determine all complaints of unjust taxation whether the same be assessed for state, county or borough or town purposes, in the same manner as the like officers of the townships of this state are authorized and required to do; *provided*, that the said commissioners of appeal shall not have power to increase or diminish the valuation which may have been set upon any lot or subdivision of a lot within the limits of said corporation by the appraisers appointed for that purpose by said corporation; the said commissioners shall organize as a board by choosing a chairman from among their number and a secretary, and all their transactions shall be faithfully entered in a book of minutes to be kept by the secretary, and immediately after the adjournment of said commissioners they shall cause the said record of their proceedings, signed by the chairman and secretary, to be deposited with the collector or receiver of taxes.

Common council to fix time and place of meeting of commissioners of appeal.

Proviso.

11. *And be it enacted*, That any tax now due on any lands and real estate and any of said boroughs or towns may be collected under this act and in the manner prescribed herein, and all liens for taxes on real estate and lands which any of said corporation may now hold by virtue of their respective charters are hereby confirmed for the purposes of this act; *provided*, that nothing in this act shall be construed to change the charter of any borough or town of this state which provides any mode for the collection of taxes other than that prescribed by an act entitled "An act to make taxes a lien on real estate and to authorize sales for the pay-

Liens for taxes now due confirmed.

Proviso.

ment of the same," approved March seventeenth, eighteen hundred and fifty-four.

Repealer.

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

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

Approved March 27, 1877.

CHAPTER CXIX.

A Supplement to an act entitled "An act to regulate the manufacture and sale of fertilizers," approved March twenty-fourth, eighteen hundred and seventy-four.

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

Section to be amended recited.

"5. *And be it enacted*, That any person selling, offering or exposing for sale any commercial fertilizer without an analysis required by the first section of this act, or with an analysis stating that said fertilizer contains a larger percentage of any one or more of the constituents mentioned in said section than is contained therein, shall forfeit fifty dollars for the first offence and one hundred dollars for each subsequent offence," be and the same is hereby amended so as to read as follows:

Section as amended.

5. *And be it enacted*, That any person selling, offering or exposing for sale any commercial fertilizer without any analysis required by the first section of this act or the act to which this act is a supplement, or with an analysis stating that said fertilizer contains a larger percentage of any one or more of the constituents mentioned in said section than is contained therein, shall forfeit fifty dollars for the first offence and one hundred dollars for each subsequent offence; *provided, further*, that the provisions of this section or the act to which this act is a supplement shall not apply to any

Penalty for selling or exposing for sale.

Proviso.

manure sold at a price not exceeding one-half a cent per pound, nor to any imported guanos.

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

Approved March 27, 1878.

CHAPTER CXX.

A Further Supplement to an act entitled "A supplement to an act entitled 'An act for the better preservation of the early records of the state of New Jersey,'" passed March twenty-ninth, eighteen hundred and seventy-two.

1. BE IT ENACTED *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 to procure copies of all papers now in the public record offices of England, or elsewhere, referring to the history of New Jersey, and which are not now in the possession of this state; the said sum hereby appropriated, and any sum heretofore appropriated for this purpose, to be expended under the direction of the Historical Society of New Jersey, in obtaining, arranging, collating and printing the said papers; the said sum or sums of money to be paid to the said society by the state treasurer on warrant of the comptroller; the said copies of papers to be placed in the State Library.

Amount of appropriation.

Money to be paid on warrant of comptroller.

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

Approved March 27, 1878.

CHAPTER CXXI.

An Act to amend the act entitled "An act concerning divorces," (revision) approved March twenty-seventh, eighteen hundred and seventy-four.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section eight of the act entitled "An act concerning divorces," (revision) approved March twenty-seventh, eighteen hundred and seventy-four, which reads as follows :

Section to be amended recited.

"8. Upon filing the said petition, the clerk shall, if required, make out a certified copy thereof, to be served on the defendant, and issue a citation under the seal of the court, for the defendant to answer the said petition on or before the first day of the next stated term of the court; which citation shall bear date the day of issuing thereof, and be tested in the name of the chancellor," be and the same is hereby amended to read as follows :

Amendment.
Citation to issue.

Upon filing the said petition, the clerk shall, if required, make out a certified copy thereof, to be served on the defendant, and issue a citation under the seal of the court, for the defendant to answer the said petition on or before such day as shall be mentioned for that purpose in the said citation, which may be any day either in term time or vacation, not less than thirty days subsequent to the date of issuing the said writ; such citation shall bear date the day of issuing thereof, and be tested in the name of the chancellor.

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

Approved March 27, 1878.

CHAPTER CXXII.

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

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in any suit by the inhabitants of any township in their corporate capacity upon the bond of any township collector, there may be included all claims of such township in its own right, or in the right of another person or corporation, for public moneys which have come to the hands of such collector, for any purpose whatever, and with which he is legally chargeable. Claims to be included in suit by inhabitants of township.

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

Approved March 27, 1878.

CHAPTER CXXIII.

An Act relative to inchoate dower.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever it shall appear to the satisfaction of the chancellor that any person entitled to an inchoate right of dower in any lands or premises is incapacitated, by mental infirmity or disease, from executing a valid release or relinquishment of the same, and that the interests of the owner of such lands and premises require and would be promoted by a sale of the same, it shall be lawful for the chancellor to direct such release or relinquish- Chancellor to direct release or relinquishment to be made by any master of the court of chancery.

ment to be made by any master of the court of chancery, whose deed or deeds executed in behalf of such person shall release and bar all the dower, or right, or estate in dower, to which such person may be entitled or would at any time succeed or become entitled to in the lands and premises therein mentioned.

Petition.

Bond to be given in case a release is ordered.

Proceeds of sale to be invested under direction of the chancellor.

2. *And be it enacted*, That upon a petition filed for the purpose aforesaid, the chancellor may in a summary manner proceed to inquire into the merits of the application by reference to a master or otherwise; and in case a release is ordered by him in conformity with the prayer of said petition, a bond shall be given to the chancellor in such penalty and with such surety as he may direct, to secure to such person so entitled to such inchoate right of dower, in case she survives her husband, the enjoyment after his decease and during her life, of a fund equal to one-third of the whole proceeds of sale of the said lands or premises, which bond, if forfeited, may be prosecuted in any court having cognizance of the same; or in lieu of said bond, if it shall appear satisfactory to the chancellor, the said sum of one-third of the whole proceeds of sale shall be invested under the direction of the chancellor, and the interest thereon during the joint lives of the husband and wife, shall go to such husband, and if the husband die first, then to the widow during her life; and the court of chancery shall have full power to make all orders and decrees relative to the final disposition of the bond or fund aforesaid, and as may be necessary to give complete relief to the parties, their heirs and assigns.

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

Approved March 27, 1878.

CHAPTER CXXIV.

A Further Supplement to an act concerning taxes, approved April fourteenth, eighteen hundred and forty-six.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the twenty-ninth section of an act entitled "A further supplement to an act entitled 'An act concerning taxes,'" approved April fourteenth, eighteen hundred and forty-six, approved April eleventh, eighteen hundred and sixty-six, which reads as follows :

"29. The warrants hereafter issued for the collection of delinquent taxes in the townships, boroughs, towns, cities, districts or wards of this state, by virtue of the act to which this is a further supplement, shall be directed and delivered to the collector of the township, borough, town, city, district or ward, and the said collector shall, in the execution of said warrant, have the same powers and perform the same duties, be subject to the same forfeitures and receive the same compensation as is prescribed to the constables by the provisions of the aforementioned act ; *provided*, that this section shall not apply to any township, town or district having special provisions inconsistent herewith," shall read as follows :

29. *And be it enacted*, That the warrants hereafter issued for the collection of delinquent taxes in the townships, boroughs, towns, cities, districts or wards of this state, by virtue of the act to which this is a further supplement, shall be directed and delivered to the collector of the township, borough, town, city, district or ward ; and the said collector shall, in the execution of said warrant, have the same powers and perform the same duties, be subject to the same forfeitures and receive the same compensation as is prescribed to the constables by the provisions of the aforementioned act ; *provided*, that this section shall not apply to any city, borough, township, town or district having special provisions inconsistent herewith ; *and provided further*,

Recital of section to be amended.

Amendment.
Warrants to be issued to collector.

Proviso.

Proviso.

that the said delinquent tax warrant may be delivered to any constable of said township, borough, town, city, district or ward by request of said collector; and the said constable shall be subject to the same forfeitures and receive the same compensation as is prescribed to constables by the provisions of the aforementioned act.

Approved March 27, 1878.

CHAPTER CXXVII.

An Act relative to the public printing.

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

Printing, how executed.

Senate journals, minutes of assembly, &c.

Public bills.

Compensation to be paid.

five cents per thousand ems for composition, and seventy-five cents per token of two hundred and fifty impressions of sixteen pages for press work; for printing two hundred copies of the public bills, ordered by either branch of the legislature, at the rate of five dollars and twenty-five cents per sheet of four foolscap pages; and for printing the pamphlets and other papers ordered by the legislature, at the rate of seventy-five cents per thousand ems for composition, and seventy-five cents per token of two hundred and fifty impressions of sixteen pages for the press work; *provided*,^{Proviso.} that in all cases where rule and figure work is required, the price for composition shall be double the rates above stated, and where matter requires two justifications, without rules, one price and a half shall be paid; *and provided further*,^{Proviso.} that one dollar extra per page shall be paid for printing all indices and tables of contents set in bourgeois type in the session laws, journals of senate, and minutes of the house of assembly.

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

3. *And be it enacted*, That all messages, pamphlets,^{Joint committee on printing shall order what documents or reports shall be} reports, or other documents which are deemed of sufficient public importance to be printed and bound for preservation, shall hereafter be embraced in one volume, under the title

printed in the volume of documents.	of legislative documents, and no document or report shall be embraced in said volume unless so ordered by the joint committee on printing; when said joint committee shall order any document to be printed in the said volume of documents, there shall be one thousand copies thereof printed, which documents shall be numbered in the order in which they are ordered to be printed, and the governor's annual message shall be classed as document number one in said volume; when any document shall be ordered to be printed more than once, at periods more than four days apart, the printer thereof shall be entitled to charge composition as above provided for each time the document shall be so printed, and in no other case shall more than one composition be paid for the printing of such reports or documents.
Number of copies to be printed.	
Officers to furnish copy.	4. <i>And be it enacted</i> , That in conformity with the act approved April sixteenth, one thousand eight hundred and forty-six, it shall be the duty of the clerk of the general assembly and the secretary of the senate to deliver copies completed of the journals of their respective houses, to the persons employed to print the same, within thirty days after the close of the session of the legislature; and in the event of said clerk and secretary failing to deliver such copies as provided for in this section, they shall forfeit to the treasurer for the use of the state one hundred dollars of their salary.
Indices, and compensation therefor.	5. <i>And be it enacted</i> , That the indices to the pamphlet laws, to the journal of the senate, the minutes of the house of assembly, and the legislative documents, shall hereafter be made out by the person or persons, respectively who may be employed to execute said printing; and the sum of one hundred dollars each shall be allowed the said printers for compiling the said indices; <i>provided</i> , that said indices shall be printed in solid bourgeois type, and be made out alphabetically, under one heading, in the style of the indices respectively of the pamphlet laws and the senate journal for the year one thousand eight hundred and seventy-one.
Proviso.	
Printer of certain reports.	6. <i>And be it enacted</i> , That John Carpenter, Jr., of Clinton, Hunterdon county, be employed to print the reports of the treasurer, comptroller of the treasury, and the report of the state board of education, during the current year.
Printer of certain reports.	7. <i>And be it enacted</i> , That James D. Flynn, of Bordentown, be employed to print the reports of the state normal

school, the state prison, and the state board of agriculture, during the current year.

8. *And be it enacted*, That William B. Guild, of Newark, Current printer. be employed to print the assembly bills and such other matter as may be ordered by the house of assembly.

9. *And be it enacted*, That Naar, Day & Naar, of Trenton, be employed to print the pamphlets, reports of state officers for presentation to the legislature, senate bills, and such other matter as may be ordered by the senate, and not hereinbefore provided for. Printer of reports of state officers, senate bills, &c.

10. *And be it enacted*, That Michael Mullone, of Jersey City, be employed to print one thousand copies of the minutes of the house of assembly for the current year in compact form, as per minutes of the year one thousand eight hundred and sixty-five. Minutes of the house.

11. *And be it enacted*, That Vogt Brothers, of Morristown, be employed to print one thousand copies of the journal of the senate and minutes of the joint meetings and executive sessions for the current year in compact form, as per minutes of the year one thousand eight hundred and sixty-five. Senate journal.

12. *And be it enacted*, That J. Rutsen Schenck, of Toms River, Ocean county, be employed to print one thousand copies of the legislative documents of the current year. Documents.

13. *And be it enacted*, That Jacob Schmidt, of Newark, be employed to print such reports as may be ordered printed in German, during the current year. Reports in German.

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

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

which he or they may have forfeited by reason of such default.

Repealer.

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

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

Approved March 28, 1878.

CHAPTER CXXIX.

A Supplement to the act entitled "An act respecting county jails," approved April twenty-first, eighteen hundred and seventy-six.

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

Recital of section to be amended.

"4. *And be it enacted*, That all sentences to the county jail of any county shall be construed and understood to be made under and subject to the provisions of this act; *provided*, that the provisions of this act shall not apply to or affect any person heretofore convicted and now undergoing punishment; *and provided further*, that before any person is discharged in accordance with the provisions of this act, or has his or her fine remitted, the action of the board of freeholders in that respect shall be approved of by the presiding judge of the court of common pleas," be amended so as to read as follows :

Amendment.

Action to be approved by judge of the court of common pleas.

And provided further, that before any person is discharged in accordance with the provisions of this act, or has his or her fine remitted, the action of the board of freeholders in that respect shall be approved of by the law judge of the court of common pleas, if there be one, and if there be none then by one of the judges of the court of common pleas.

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

Approved March 29, 1878.

CHAPTER CXXX.

A Supplement to an act entitled "An act in relation to assessments in townships," approved March ninth, eighteen hundred and seventy-seven.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the commissioners who have made any assessment provided for in the act to which this is a supplement, shall be entitled to receive such compensation for their services as the circuit court by whom they are appointed shall determine to be just and reasonable, to be paid by the township in which such improvement is situate.

Circuit court to determine compensation to commissioners.

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

Approved March 29, 1878.

CHAPTER CXXXIII.

A Supplement to the act entitled "An act to incorporate benevolent and charitable associations," approved April ninth, eighteen hundred and seventy-five.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for two or more associations incorporated under the act to which this a supplement, or under any special act of this State, for benevolent and charitable purposes only, to consolidate their corporate rights, powers and privileges into one association, so that by such act of consolidation all the property, rights and privileges by law vested in such associations shall be

Two or more associations may consolidate into one association.

transferred to and become vested in the association to be formed by such acts of consolidation, under such name as by such agreements of consolidation may be adopted.

Consolidation may be agreed upon at a special meeting called for that purpose only.

2. *And be it enacted*, That such consolidation may be agreed upon at a special meeting of the trustees, managers, board of council, or other persons having the lawful control and management of any such association, by whatever name they may be known, such meeting to be called for that purpose only; that if at such meeting two-thirds of all the trustees, managers or other persons, as aforesaid, shall be in favor of an agreement to consolidate as aforesaid, which agreement shall also have been submitted to and ratified by the majority of the members of each association at a special meeting called for that purpose and the object thereof being duly stated in the call for the same, then a certificate, reciting fully such facts, shall be made, signed by the secretary and president of each association so agreeing to consolidate, who shall cause the same to be filed in the office of the secretary of state, and thereupon the act of consolidation shall be deemed complete, and all the property, powers and privileges theretofore held, possessed and enjoyed by the associations entering into such agreement of consolidation shall become vested in the association into which such consolidation has taken place and by such name as may have been agreed upon.

Certificate of agreement to be filed in the office of the secretary of state.

Certificate to be made and filed when consolidations have been heretofore agreed upon.

3. *And be it enacted*, That any two or more benevolent or charitable associations which have heretofore agreed to consolidate, and which have substantially carried into effect such consolidation by the merging of the property and effects of the respective associations thus consolidated to make a certificate signed in the same manner as required in the second section of this act and cause the same to be filed as required in said section which said certificate shall recite the facts of such consolidation and also state the corporate name under which said last mentioned consolidated association shall be known, and thereafter the act of consolidation shall be deemed complete and valid, and such consolidated association shall be entitled to all the rights and privileges conferred by the act to which this is a supplement.

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

Approved March 29, 1878.

CHAPTER CXXXIV.

An Act concerning certain cities in this state.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That immediately after the polls shall be closed at municipal elections the election officers in the several wards or election districts shall count the votes given for the several candidates, and certify, under their hands, the number given for each, and publicly announce the same; and within three days thereafter they shall deliver one such certified statement to the city clerk, and another to the county clerk, to be by them filed in their respective offices; at eight o'clock of the Thursday evening next succeeding such election the city clerk and those aldermen who have not been candidates for any office at such election shall convene at their usual place of meeting and proceed to canvass the votes given at such election, and the persons having the highest number of votes shall be declared elected, and a statement of the result shall be recorded in a book kept for that purpose in the city clerk's office, and a copy shall be filed in the county clerk's office, which statement and copy shall be certified by the officer presiding at such meeting, and by the city clerk; and within two days after such canvass the city clerk shall give to each person elected to any city or ward office a certificate thereof under the seal of the city.
2. *And be it enacted*, That the assessors of taxes in the several wards, and the city collector of taxes, in the cities to which this act relates, shall be appointed annually in the manner that other officers are appointed in such cities, and shall not be elected at the annual municipal election as heretofore.
- 3 *And be it enacted*, That no ordinance shall be passed by the board of aldermen of any city, unless it be introduced at a previous stated meeting, and be concurred in by a majority of all the members of the board; and in case any

Votes to be counted immediately after the polls shall be closed at municipal elections.

When the vote shall be canvassed.

City clerk to record statement of the result,

Certificate of election.

Appointment of assessors and collectors of taxes.

Concurrence of a majority necessary to the introduction of an ordinance.

Votes necessary to passage when expenditure of money is involved.

ordinance involves the expenditure of money, the votes of three-fourths of all the members of said board shall be necessary to its passage, and no money shall be expended for any celebration, procession or entertainment of any kind, unless by the votes of four-fifths of all the members of said board; no additional allowance beyond the legal claim which exists under any contract with the corporation, or for any services on its account, or in its employment, shall ever be passed by the board of aldermen except by a unanimous vote thereof; every ordinance involving the expenditure of money or affecting personal liberty, shall, before its final passage, be published at least one week in a newspaper printed and published or circulating in such city.

Ordinance to be published before final passage.

Treasurer to make quarterly statements of moneys received and paid.

4. *And be it enacted*, That the city treasurer shall make a quarterly statement of all moneys received and paid out during the quarter, showing the source from whence received, to what purpose applied, and to whom paid, the amount of indebtedness, and the balance of funds in his hands; also a statement showing, in tabular form, the annual appropriations, the expenditures to date under each account, and the unexpended balances; said statements shall be filed in the office of the city clerk; the board of aldermen shall publish in pamphlet form, annually, a detailed statement of the receipts and disbursements by the city treasurer.

Tabular statement to be made.

Annual salaries shall be fixed by ordinance, compensation to city clerk, collector, treasurer, superintendent of streets, city counsel.

5. *And be it enacted*, That the annual salaries of the officers named below shall be fixed by ordinance by the board of aldermen, before the appointment of such officers, but shall not exceed the sums set opposite to their respective names, to wit: the city clerk, five hundred dollars; the collector, five hundred dollars, in lieu of all fees, and all fees collected by him shall be paid into the city treasury; the city treasurer, two hundred and fifty dollars; the superintendent of streets, three hundred dollars; the city counsel, one hundred dollars, for opinions upon all questions submitted to him by the board of aldermen, and for advice given to the officers of the city when applied to by them for that purpose, and such further compensation as shall be reasonable for drawing contracts, attending and conducting suits, actions and proceedings at law, and performing any other services that may be required of him, and that the total sum paid in any one year shall not exceed the sum of seven hundred and fifty dollars; each assessor, not exceeding

ten cents per name on his duplicate and two dollars per day for every day necessarily employed in meeting with the county board of assessors and the court of appeals, and twenty-five dollars for making and filing his duplicate, as provided by law, in the year eighteen hundred and seventy-nine, and annually thereafter; the board of aldermen may increase the salary or compensation of any or all of the above-named officers by not more than ten per centum over and above the salary fixed for the preceding year.

Fees and per diem to each assessor.

Increase of compensation may be made.

6. *And be it enacted*, That the aggregate indebtedness of any city shall at no time exceed five per centum of the assessed valuation of the city, and the bonded indebtedness thereof shall not be increased beyond the amount thereof at the time of the passage of this act; the mayor shall sign no bond, note or other obligation in excess of the limit hereby fixed, nor shall the city be bound to pay any indebtedness incurred by the board of aldermen in excess of such limitation; all collections of assessments for opening or improving streets, shall be reserved for and applied exclusively to the payment of any indebtedness incurred on account of such opening or improvement, and all collections of arrears of taxes shall be reserved for and applied exclusively to the payment of any indebtedness, temporary or otherwise, incurred in anticipation of the payment of such taxes.

Bonded indebtedness not to be increased.

Collections of assessments, how applied.

7. *And be it enacted*, That the moneys of the sinking fund of any city shall be invested only in the bonds of such city, or in the bonds of the United States, or of the state of New Jersey, or of any of the cities or counties of this state.

Moneys of the sinking fund, how invested.

8. *And be it enacted*, That the board of aldermen of any city shall have power by ordinance, to lay out, open and grade any street, road, highway or alley, or any section thereof, or any public park or square within said city; to order and cause any street, road, highway or alley already laid out, or which shall hereafter be laid out, or any section thereof, to be vacated, straightened, altered, widened or extended, and to take and appropriate for such purposes any lands and real estate, upon making compensation to the owner or owners thereof as hereinafter mentioned, provided application in writing, signed by the owners of a majority of the lineal feet of land fronting on the proposed improvement, be first presented to said board of aldermen, accom-

General powers.

panied by a deposit of one hundred dollars to pay the preliminary expenses, such as advertising, surveying and commissioners' fees, the unexpended portion of such deposit to be returned to the petitioners if the work petitioned for is not executed; the said application shall also be accompanied by a bond with good freehold security, being the petitioners or others, approved by the board of aldermen, conditioned for the payment to the city treasurer of such proportion of the estimated cost of such work, and at such time or times as the said board may by ordinance prescribe.

Excess to be paid out of city treasury.

9. *And be it enacted*, That in cases where the costs, damages and expenses of street improvements exceed the benefits, the excess shall be paid out of the city treasury, and the amount of such excess shall be incorporated in the tax levy of the next ensuing fiscal year.

Board of aldermen or board of education not to hold office.

10. *And be it enacted*, That no member of any board of aldermen or of any board of education shall, during the period for which he was elected, be appointed to, or competent to hold any office, the salary or emoluments of which are paid from the city treasury; nor shall any member of any board of aldermen, or of any board of education, or any other city officer, be directly or indirectly interested in any contract, work or business, or in the sale or supply of any article, the expense, price or consideration of which is paid from the city treasury, or by an assessment levied by an act or ordinance of said board; nor shall any such member or officer be directly or indirectly interested in the purchase or sale of any real estate or other property from or to the city, and the city treasurer shall pay no claim therefor presented for or on account of any such member or officer; nor shall any such member or officer become security for any officer of the city, or for any contractor with the city; any member or officer violating the provisions of this section shall forfeit his office, and in addition to any other penalty fixed by law, he shall be liable to a penalty of five hundred dollars for each offence, to be recoverable by suit in the name of the city, one-half of such penalty, if recovered, to go to the person bringing the suit, and one-half to the city, or the whole penalty to go to the city if the suit is brought by order of the board of aldermen.

Not to be interested in contracts.

Not to become security.

Penalty.

Money for current expenses of public schools.

11. *And be it enacted*, That the amount of money raised in any one year by tax in any city, by order of the board of

aldermen, for the current expenses of public schools, shall not be greater than the entire amount received from the state for school purposes during the preceding fiscal year; *provided*, that a special additional appropriation may be made at any time by a three-fourths vote of all the members of the board of aldermen.

Proviso.

12. *And be it enacted*, That the board of aldermen of any city shall from time to time examine the books and accounts of the city treasurer, the collector and any other officers of the city who may have the custody of any moneys of the city.

Examination of books and accounts.

13. *And be it enacted*, That no person or corporation in arrears to any city for taxes, or otherwise indebted to any city (except for assessments) shall be paid any money from the city treasury, for any purpose, except for the interest and principal of bonds of such city, until such taxes or other indebtedness shall have been paid in full; and before paying any warrant, the city treasurer may require the person, or the agent of the corporation in whose favor such warrant is drawn, to subscribe to an oath or affirmation, which the city treasurer is hereby authorized to administer, that he, the payee, or the corporation which he represents, is not in arrears for taxes, nor otherwise indebted (except for assessments) to said city; but no person or corporation shall be deemed to be in arrears for taxes unless his or its taxes shall remain unpaid, in whole or in part, on and after the twentieth day of December, in the year in which such taxes were assessed, and the collection of the same shall not have been stayed by certiorari.

Person or corporation in arrears for city taxes, &c.

City treasurer before paying any warrant may require an oath to be made

When to be deemed in arrears for taxes.

14. *And be it enacted*, That the words "board of aldermen" in this act shall be construed to mean the "common council," "city council," or any other name by which the legislative body of any city shall be known.

Words, how to be construed.

15. *And be it enacted*, That this act shall take effect immediately; but it shall not apply to any city which contained more than five thousand inhabitants by the census of eighteen hundred and seventy-five; nor shall it apply to any city until the legislative body thereof, shall have passed a resolution, and a duly attested copy of the same shall be filed in the office of the secretary of state, adopting the provisions of this act for the government of such city; and when so adopted, any and all provisions of the charter of

Act not to apply to certain cities.

any such city, or of the supplements thereto inconsistent herewith, shall thereby be repealed.

Approved March 29, 1878.

CHAPTER CXXXV.

An Act to provide armories for the national guard of the state.

May lease city premises for purposes of an armory.

Proviso.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the board of aldermen or other legislative body of any incorporated city of this state, to lease for a term of not exceeding five years, any premises in said city for the purposes of an armory for any of the regiments or companies of the national guard of this state; *provided*, the rental shall not exceed the amount appropriated for such purpose in any one year.

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

Approved March 29, 1878.

CHAPTER CXXXVI.

Supplement to an act entitled "An act for the organization of the national guard of the state of New Jersey," approved March ninth, eighteen hundred and sixty-nine, and the various amendments thereto.

Organization of additional companies authorized.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the commander-in-chief, whenever it shall in his judgment be necessary or advisable for the public interest, may cause to be organized additional

companies of the national guard, not to exceed two, to be drilled in the use and practice of the Gatling or other similar guns, the minimum of which organizations shall not be less than two commissioned officers and twenty-five enlisted men; which companies shall be entitled to the rights, privileges and allowances and be required to perform the like duties now provided by law for infantry companies of the national guard.

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

Approved March 29, 1878.

CHAPTER CXXXVII.

A Supplement to an act entitled "An act to authorize the incorporation of rural cemetery associations and regulate cemeteries," approved April ninth, eighteen hundred and seventy-five.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That any cemetery association within this state existing under special statute or by virtue of an incorporation under the general statutes of which this is a supplement, is hereby empowered to sell, purchase and exchange its lands and any lands adjoining its premises for the purpose of straightening its lines, and to sell and dispose of such parts of its land as have not been laid out into burying lots, and appropriate the proceeds received therefrom in paying the debts and liabilities of the said association and improving the cemetery.

Empowered to sell, purchase and exchange lands for the purpose of straightening lines.

2. *And be it enacted*, That any association incorporated as aforesaid may take and hold any property, real and personal, bequeathed or given upon trust, to apply the income thereof under the direction of the trustees or managers of such association for the improvement or embellishment of such cemetery, or the erection or preservation of any buildings, structures, fences or walks erected or to be erected upon

Income of trust property, how applied.

the lands of such cemetery association or upon the lots or plots of any of the proprietors, or for the repair, preservation, erection or renewal of any tomb, monument, gravestone, fence, railing or other erection in or around any cemetery lot or plot, or for planting and cultivating trees, shrubs, flowers or plants in or around any such lot or plot, or for improving or embellishing such cemetery or any of the lots or plots in any other manner or form consistent with the design and purposes of the association, according to the terms of such grant, devise or bequest.

Bonds may be renewed.

When payable.

Denomination.

Exempt from tax.

3. *And be it enacted*, That whenever any bonds heretofore legally issued by any association incorporated as aforesaid under the authority of law, are now due and unpaid, or shall hereafter become due, the managers or trustees of any such association may renew ninety-five per centum of said indebtedness, or any less part thereof, by the issuing of the bonds of said association for that purpose, which said bonds shall be made payable at periods of time not exceeding twenty years from the date of issuing the same, and shall draw such rate of interest not exceeding seven per centum per annum, and be issued in such sums as the managers or trustees shall by resolution determine; which bonds shall be of the denomination of not less than fifty dollars nor more than one thousand dollars, and shall be executed under the corporate seal of said association and the signature of the president thereof, and shall have coupons attached for every half-year's interest until due, payable at the office of the treasurer thereof; which coupons shall be signed by said treasurer and numbered to correspond with the bond to which they shall be respectively attached, and which said bonds shall be exempt from taxes as burial grounds or cemeteries are now by law exempt.

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

Approved March 29, 1878.

CHAPTER CXXXVIII.

An Act to suppress the sending of indecent communications.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That any person who shall wilfully and wantonly send or convey to any female against her will and consent any insulting, indecent, lascivious, disgusting, offensive or annoying letter or communication, without lawful purpose in sending or conveying the same, shall be deemed to have committed a public nuisance, and be liable to be punished as for a misdemeanor at common law. May be punished as for a misdemeanor.

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

Approved March 29, 1878.

CHAPTER CXL.

An Act to prevent the pollution of the waters of any of the creeks, ponds or brooks of this state.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, And it is hereby enacted by the authority of the same, if any person or persons shall throw, cause or permit to be thrown into the waters of any creek, pond or brook of this state, the waters of which may be used for the cutting and harvesting of ice, any carcasses of any dead animal or any offal or offensive matter whatsoever, calculated to render said waters impure or to create noxious or offensive smells, or shall connect any water closet with any sewer or other means whereby the contents thereof may be conveyed to and into any such creek, pond or brook, shall be Penalty for polluting waters of any creeks, ponds or brooks

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

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

Approved March 29, 1878.

CHAPTER CXLI.

A Supplement to an act entitled "A further supplement to an act entitled 'An act concerning corporations,' approved April seventh, eighteen hundred and seventy-five," which said supplement was approved February twenty-first, eighteen hundred and seventy-seven.

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

Recital of 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 necessary for any of the directors of any water company heretofore or which may be hereafter organized under the act to which this is a further supplement, or any other act, general or special, or in pursuance of any special charter, to reside in any specified township or city in this state, although it may be so required by any such act or special charter, neither shall it be necessary to limit the number of directors of any such company so organized or which may be so organized under any of such acts or under any such special charter to the number named therein or in any of them; *provided*, that the directors shall not be less than three in number," be and the same is hereby amended so as to read as follows:

Amendment.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall not be necessary for any of the directors of any water or manufacturing company heretofore or which may be hereafter organized under

the act to which this is a further supplement, or any other act, general or special, or in pursuance of any special charter, to reside in any specified township or city in this state, although it may be so required by any such special act or special charter, neither shall it be necessary to limit the number of directors of any such company so organized or which may be so organized under any of such acts or under any such special charter, to the number named therein or in any of them; *provided*, that the directors of any such company shall not be less than three in number; *provided*, that a majority of the directors of any such company shall be residents of this state. Proviso.

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

Approved March 29, 1878.

CHAPTER CXLIII.

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

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in making the valuation and assessment of personal estate within this state for state, county, township and municipal taxes, no deduction of the amount of any personal indebtedness shall be made therefrom, unless the individual claiming such deduction shall sign a statement in writing, under oath or affirmation of the truth and justice thereof, and of the several debts owing by such individual which he desires to have deducted, to whom owing and where the creditor resides, and also of the total amount of personal property of such individual, including debts due and owing to such individual from solvent debtors; and also that no part of such indebtedness was created for the purpose of reducing the taxes of such individual; and that the stated actual value of the personal Claim for deduction of amount of personal debts to be made under oath.

property of such individual includes not only that to which such individual holds title or possession, but also that to which any other person or persons hold the title or possession for such individual, whether the same be held in trust or not.

When and how punishable.

2. *And be it enacted*, That any person guilty of wilful and corrupt false swearing or affirming in taking any oath or affirmation required by this act shall be guilty of perjury and punishable accordingly.

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

Approved March 29, 1878.

CHAPTER CXLIV.

An Act in relation to lay judges.

Preamble.

WHEREAS, By the revised statutes approved April seventeenth, eighteen hundred and forty-six, it requires three or more of the judges of the inferior court of common pleas in the several counties of this state to grant licenses to persons to keep inns or taverns, and as the law only provides for three of said judges for each county; therefore,

Licenses, &c., may be granted by two judges of the court.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That any two of the judges of the inferior court of common pleas shall be a majority of said three judges sitting as a court, and such majority shall have authority to grant licenses or any other application that may lawfully come before said court.

Repealer.

2. *And be it enacted*, That all acts or parts of acts inconsistent with the provisions of this act except special acts authorizing the legal voters of any township in this state to vote on the question of license or no license be and the same is hereby repealed.

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

Approved March 29, 1878.

CHAPTER CXLV.

An Act in reference to street improvements where a petition or application therefor is required.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever a petition or application is necessary in any city in this state to enable any municipal board in such city to open, lay out, extend or improve any street in such city, that for the purpose of signing such petition or application, and making or authorizing the making of such improvement the receiver of any corporation appointed by the court of chancery of this state owning the land necessary for such improvement shall be deemed and taken to be the owner of such land.

When the receiver of a corporation is to be taken to be the owner of land.

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

Approved March 29, 1878.

CHAPTER CXLVI.

An Act relative to past due taxes, assessments and water rents in certain cities of this state and providing for the payment thereof.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in any incorporated city of this state having or which may have a board of finance and taxation, it shall be lawful for said board to authorize and direct the collector or receiver of revenues, such as taxes, assessments or water rents and other proper officer or officers of such city to receive and collect upon all taxes,

Rate of interest which may be collected upon taxes, &c., remaining unpaid.

assessments and water rents due and remaining unpaid in whole or in part in such city on the date of the passage of this act, interest not to exceed the rate of twelve per centum per annum from the date such taxes, assessments and water rents became due and payable; and in such case no other interest or penalties on such taxes, assessments or water rents shall be demanded or collected until this act shall be repealed; but in cases of sales of land for taxes, assessments or water rents heretofore assessed, the costs of advertising and auctioneers' fees shall be charged and collected on property which has been sold for any of such taxes, assessments or water rents, and upon the payment of such taxes, assessments or water rents, and interest and costs as aforesaid, the proper officers or authorities of said city shall respectively cancel and surrender any certificate of sale of property which may have been sold for such taxes, assessments or water rents and which may then be held by any such city; *provided, however*, that nothing in this act contained shall authorize the receipt under the provisions of this act of any such taxes, assessments or water rents in cases where lands and real estate have been sold for such taxes, assessments or water rents and bought by any other person than the city in which said taxes, assessments or water rents are laid, or some officer thereof, for the use of such city; nor shall any lien upon real estate for such taxes, assessments or water rents be released or affected, nor shall any sale of any real estate for taxes, assessments or water rents, or the delivering of any certificate or declaration of sale or deed therefor be stayed or delayed by anything in this act contained; *provided, further*, that this act shall apply only to cities having over one hundred thousand inhabitants by the last census.

Costs of advertising and fees, how charged and collected.

Proviso.

Proviso.

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

Approved March 29, 1878.

CHAPTER CXLVII.

A Supplement to an act entitled "An act relative to dower."

1. BE IT ENACTED, *by the Senate and General Assembly* ^{Purchaser may have dower portion of lands set off.} *of the State of New Jersey,* That when the estate of any husband in any lands, tenements or other real estate hath been or shall be sold by due course of law by any sheriff, assignee in bankruptcy, or other duly authorized public officer, whereby an inchoate right of dower doth or shall remain it shall be the right of any purchaser of such estate to have one-third part of such lands, tenements and real estate admeasured and set off as and for the dower portion thereof by petition to the orphans' court of the county wherein the said lands are situate, and procedure thereupon according to the course and practice of the orphans' court, of which portion so admeasured and set off, in case the right of dower shall be thereafter perfected, the widow shall be endowed, and the remaining two-thirds part of such lands, tenements and real estate shall be held by said purchaser free of all dower and right of dower from the time of the decree or judgment of the said court unless the same shall be set aside or reversed.

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

Approved March 29, 1878.

CHAPTER CXLVIII.

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 to be granted by court.

Money received for licenses, to whom paid.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That hereafter in all towns, boroughs and incorporated districts (not cities) of this state having a population of one thousand inhabitants, and not exceeding in population six thousand inhabitants, and governed by a board of commissioners, a part of whom are elected and a part of whom are appointed, all licenses to sell ale, strong beer, lager, porter, wine and other malt liquors shall be granted by the inferior court of common pleas of the county; the money received for the granting of such licenses shall be paid over by the collector of the county to the treasurer, collector or other financial officer of the town, borough or incorporated district in which such licenses shall be granted.

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

Approved March 29, 1878.

CHAPTER CXLIX.

An Act to provide ways and means to defray the state expenditures.

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

state, as exhibited by the abstract of ratables from the several counties, made out by the several boards of assessors for the year one thousand eight hundred and seventy-seven, and filed in the office of the comptroller of the treasury, a state tax of one mill on each dollar of the valuations contained in the said abstracts; and the proceeds of the said tax are hereby appropriated and shall be applied as follows: There shall be paid to the commissioners of the sinking fund such sum as the laws of this state shall require to be paid from the state treasury on account of the interest or maturing principal of the public debt authorized by "An act authorizing a loan for the purposes of war," &c., approved May tenth, one thousand eight hundred and sixty-one, and the several supplements thereto, and the residue of the proceeds of the said tax shall be paid into the state fund and shall be appropriated and applied to defraying the necessary expenses of the state; which tax, and the sums required to be raised for county, city, township or other public purposes, shall be levied, assessed and collected on the persons and property, and in the manner directed by the laws of this state which shall be in force at the time the said taxes shall be assessed.

Amount of state tax to be assessed of one mill on each dollar of valuations contained in abstract of ratables.

Proceeds, how appropriated.

2. *And be it enacted*, That it shall be the duty of the comptroller to apportion the said tax and at the rate aforesaid, among the several counties in proportion to the amount of real and personal estate taxable in said counties respectively, as shown by the abstracts respectively as aforesaid, and it shall be his duty to transmit within thirty days after the approval or passage of this act to the county collector of each county, a statement of the amount of said tax apportioned to said county; and the said collector shall lay said statement before the assessors of the townships and wards within his county at their next meeting, to apportion the city and township taxes, and the said assessors shall thereupon proceed to assess said tax according to law; and it shall be the duty of the collectors of the several counties to pay to the state treasurer the quotas of the said tax due from their respective counties out of the first moneys which shall be paid to them by the several city, township or ward collectors of their respective counties.

Comptroller to transmit to county collector a statement of amount of tax apportioned to county.

3. *And be it enacted*, That it shall be the duty of the comptroller to furnish to the collectors of the several counties printed forms on which the boards of assessors shall make

Comptroller to furnish printed forms for returns of amount of ratables.

their returns of the amount of ratables of their respective counties, upon which form there shall be printed the oath which the assessors are required by law to take, and no abstract of the amount of ratables shall be deemed to have been made according to law unless said oath shall have been taken by each member of the board of assessors, and no assessor shall be entitled to receive compensation for his services until he shall have taken and subscribed the oath as herein provided.

Authorized to dispose of or pledge any securities now in state fund when necessary

4. *And be it enacted*, That the governor, comptroller and treasurer of the state be and they are hereby authorized to dispose of or pledge any securities now in the state fund, whenever it may be in their judgment or in the judgment of a majority of them expedient or necessary to do so, in order to meet the legal demands upon the treasury; and the proceeds of any securities so disposed of or pledged shall be applied to the purpose of paying appropriations made by the legislature, and to defraying the other necessary and lawful state expenditures.

Repealer.

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

Approved March 29, 1878.

CHAPTER CL.

An Act to support fire organizations in the several townships of this state.

Authorized to make appropriations annually.

1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the several townships of this state in which are located apparatus for the protection of property from loss by fire, to appropriate at any annual meeting or at any special meeting to be called for that purpose, a sum of money not exceeding one thousand dollars in any year for and towards the support and maintenance of said apparatus and the organization

using the same, and also for the rent of fire plugs used in supplying the said apparatus with water, and which sum so appropriated shall be levied and collected in the same manner as other taxes are assessed and collected for township purposes.

2. *And be it enacted*, That it shall be the duty of the township committee of any township in which such fire organizations are located, to examine such apparatus as to its efficiency for service at least once in every year, and report the condition thereof to the meeting at which said appropriation is proposed to be made, in order that the inhabitants may know the actual needs of said organizations before the appropriation is made.

Duty of the township committee.

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

Approved March 29, 1878.

CHAPTER CLI.

An Act to authorize the common council or similar municipal body in any city to build and maintain a dock or wharf opposite said city, and at the end of any street therein.

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 similar municipal body in any city in this state to build, maintain and keep in repair a dock or wharf in such city, at the end of any public road or street in said city, running to any river bounding said city, extending a sufficient distance into said river, for the accommodation of citizens and of vessels navigating the same, and from time to time to rebuild and repair the same, and to lay vessels at the same, and to receive dockage or wharfage therefor from all persons using the same, under such ordinances and regulations as may from time to time be made by the common council or other similar municipal

Authorized to build and maintain dock or wharf.

- Proviso. body of said city; *provided*, that the boundaries, the exterior bulkhead and their lines, and the compensation to be paid or secured to the state, shall be fixed and established by the riparian commissioners, and if the bulkhead and pier lines or either of them shall be hereafter extended by said commissioners, the right and title of the grantees shall extend to such extended bulkhead and pier lines without further compensation, which compensation, fixed by the commissioners, shall be paid or secured to the state to the satisfaction of the governor on or before the first day of January, one thousand eight hundred and eighty-one, and in default thereof then this act and all the provisions thereof shall thereupon cease and be of no more force or effect.
- Penalty for injuring dock. 2. *And be it enacted*, That if any person or persons shall in any way injure the said dock or wharf, such person or persons shall be responsible for and shall make good all damages which may be sustained, recoverable by said city in an action of trespass in any court having jurisdiction of the same.
- Repealer. 3. *And be it enacted*, That all acts and parts of acts so far as the same may conflict with the provisions of this act be and the same are hereby repealed, and this act shall take effect immediately.
- Approved March 29, 1878.

CHAPTER CLII.

An Act to authorize the formation of pursuing and detective companies.

- Number of persons not to be less than thirteen may form a company. 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 number of persons, being citizens of this state, above the age of twenty-one years, not less than thirteen, to form themselves into a company for the detection and pursuit, apprehension and prosecution of thieves, tramps, marauders and other depredators on persons and property; and for that

purpose, they shall make and sign articles of association, which shall set forth the names of the persons forming said company, with their places of residence, the names of not less than five nor more than ten directors, who shall manage the affairs of said company for one year, and until others are elected in their places; and the name adopted by said company as its corporate name, and the number of years said corporation is to continue; which articles of association, when made and signed as aforesaid, shall be filed in the office of the secretary of state, who shall endorse thereon the day they are filed, and record the same in a book to be by him provided for that purpose; and upon filing said articles in said secretary's office, said persons who have signed said articles of association, and all others (being citizens of this state, and above the age of twenty-one years), who shall thereafter become members of said company shall be a corporation, by the corporate name mentioned in said articles, for the purposes aforesaid; and as such corporation, shall have power to make and use a common seal, to sue and be sued, and generally to have the privileges and immunities incident to bodies politic, and be subject to the liabilities and restrictions imposed thereon.

Articles of association.

Name.

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

To have corporate powers.

2. *And be it enacted*, That the objects of said company shall be the detection, pursuit, apprehension, arrest and prosecution of thieves, tramps, marauders, and other depre-dators on persons and property, and the recovery of stolen goods.

Objects.

3. *And be it enacted*, That in order to carry out the objects aforesaid, it shall and may be lawful for any such company, by their by-laws, to provide for raising a fund by fee for admission of members, assessment of the members, fines on officers and members, for failure or neglect of any duty, which may be lawfully imposed upon them; and said fees, assessment and fines may be collected by suit in the name of the company against the delinquents, as debts of like amount may now, or hereafter, be collected by law.

May charge admission fee, &c.

Collection of fines, &c.

4. *And be it enacted*, That the officers of any such company shall be a president, secretary, and treasurer, and not less than five nor more than ten directors, who shall compose a board of direction, and shall be annually chosen by ballot at a general meeting of the company; *provided*, that the offices of secretary and treasurer may be filled by the

Election of officers and directors to be annual.

Proviso.

same person; the said officers to continue in office one year, or until their successors are chosen.

- Board of direction. 5. *And be it enacted*, That the board of direction may appoint or elect any number of the members of any such company, not exceeding twenty, pursuers, and to give to each a badge of office, who shall continue in office for one year, and during such continuance in office shall each have the power and authority of a constable, so far as may be necessary to carry out the aforesaid objects of such company, and may execute warrants for that purpose issued by any justice of the peace or alderman, and shall have all the responsibilities and immunities of constables in the exercise of said power and authority for the objects aforesaid; *provided*, that they shall not be liable to the performance of any services, except as directed by the by-laws of such company; nor shall they be entitled to any fees or compensation for their services except out of the funds of the company, and according to the by-laws or other regulations thereof.
- Badge of office.
- To have power and authority of constables.
- Proviso.
- Members to take oath. 6. *And be it enacted*, That the members of said board of direction, before entering upon the duties of their office, shall respectively take an oath or affirmation, of which a record shall be kept by the secretary; any member of the board of direction being authorized to administer the same, to support the constitution of the United States, and the constitution of the State of New Jersey, and to perform the duties of their office with fidelity.
- Annual and special meetings. 7. *And be it enacted*, That a general meeting of the company shall be held annually, at such time as shall be fixed by the by-laws, and at such place as the board of direction may, from time to time, direct; the board of direction shall have the power to call special meetings at their discretion; notice of every meeting of the company shall be given in such manner as the by-laws of such company may prescribe, and in case any vacancy should occur in the board of direction during the year the said board may fill the same until the next annual election.
- Notice to be given.
- Board of direction to prepare by-laws. 8. *And be it enacted*, That it shall be the duty of the board of direction to prepare by-laws for general regulation and government of such company, and for carrying out its objects, and before said by-laws shall go into effect they shall be approved by a meeting of the company, convened upon twenty days' notice by advertisement in a newspaper pub-

lished in the county and circulating in the neighborhood where a majority of the members of such company reside; *provided*, that none of the said by-laws or regulations shall be in conflict with the constitution and laws of the United States, or of the state of New Jersey; *and provided further*, that none of said by-laws shall be altered or repealed except by a vote of two-thirds at any general meeting or at a special meeting of such company called for that purpose.

9. *And be it enacted*, That nine members of such company shall be a quorum at any meeting thereof, and that said company may be dissolved at any time by a vote of three-fourths of the members thereof at a meeting held for that purpose; *provided*, such dissolution shall not affect or impair the rights of any creditors of said company or of any person having any claim or demand thereon; nor shall such dissolution relieve said company, or any member thereof, from any liability previously incurred.

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

Approved March 29, 1878.

CHAPTER CLIII.

An Act to regulate the state library.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the library shall be governed by a board of commissioners, who shall be the governor, chancellor, chief justice, secretary of state, treasurer and comptroller; the said commissioners, or a majority of them, shall, from time to time, prescribe such rules for the government of the library as they may think proper, and a copy of such rules shall at all times be set up in a conspicuous place in the library for inspection, and all fines and forfeitures accruing under or by virtue of such rules shall be recoverable by action of debt, to be brought by the treasurer before any court having jurisdiction of the amount,

in the name of the state of New Jersey, for the use of the state library; and in all such trials the librarian shall be a competent witness, and his entries, to be made as herein-after directed, shall be *prima facie* evidence of the delivery of the book or books, and the date of such delivery.

Authorized to sell or exchange duplicate volumes.

2. *And be it enacted*, That said commissioners, or a majority of them, shall have full power and authority to sell or exchange all or any duplicate volumes or documents now or hereafter the property of said library, to sell or otherwise dispose of all books which, in their judgment, shall be excluded therefrom; and all moneys to be secured from such sales shall be paid into the treasury for the benefit of said library.

Money from sales, how applied.

Appointment of librarian.

3. *And be it enacted*, That the said commissioners, or a majority of them, shall appoint at the expiration of the term of the present incumbent, and every fifth year thereafter, a librarian, who shall hold office for five years, unless removed by a unanimous vote of the commissioners; and any vacancy that may occur in said office shall be supplied by a new appointment for the unexpired term of the former incumbent.

Term of office.

Vacancy, how supplied.

Librarian to give bond.

4. *And be it enacted*, That the said librarian shall before he enters upon the duties of his said office enter into bond to the state of New Jersey, with two good and sufficient sureties, being freeholders in the said state, in the penal sum of one thousand dollars, to be approved by one of the justices of the supreme court, conditioned that if he shall well and truly execute the office of state librarian, and in all things touching and concerning said office shall well and truly, faithfully and impartially, perform the same, as well with respect to all persons whatsoever concerned as to the said state of New Jersey, and at the expiration of his said office shall deliver all the books, pamphlets, records and papers remaining in the said library or appertaining thereto, to his successor in office, then the obligation to be void, otherwise to be and remain in full force and virtue; and shall also take an oath or affirmation before one of the said justices that he will well, truly, faithfully and impartially execute all the duties of state librarian agreeably to law, according to the best of his skill and understanding; which said bond and affidavit shall be filed in the office of the secretary of the state, there to remain of record.

Amount of bond.

Conditions.

5. *And be it enacted*, That the library shall be kept open in the state house, at all times during the session of the legislature and the courts of this state and of the United States, which sit at Trenton, (Sundays and legal holidays excepted), in each day, from nine (9) o'clock in the morning until six (6) o'clock in the evening, and shall be for the use of the members of the legislature, the secretary and clerks of the respective houses, the officers of the executive department of the state government, judges of the district and circuit courts of the United States, district attorneys, chancellor, judges of the supreme court and of the court of errors and appeals of this state, adjutant and quartermaster generals, attorneys of the supreme court, and all other persons who have been or may be at any time entitled by law to the use of books from said library, when any of them shall be at the seat of the government.

Library to be kept open during certain hours.

6. *And be it enacted*, That the librarian shall arrange the books in proper order, and preserve them from being injured by moths, moulding or otherwise, as far as practicable; he shall keep proper books in which he shall make an entry of all books taken out, designating the name of the person taking the same, and also of the books returned; he shall also keep an accurate catalogue of books belonging to the library, alphabetically arranged, and shall annually report to the legislature a full and complete statement of the condition of the library; he shall also keep an account of the manner in which moneys appropriated for the improvement of the library shall be expended.

Duty of the librarian.

Catalogue of books.

Annual report.

7. *And be it enacted*, That it shall be the duty of the state librarian annually to cause twenty copies of the laws and joint resolutions, passed at each session of the legislature, twenty copies of each of the journals of the senate and general assembly, and twenty copies of the legislative documents, to be bound and placed in the library for the use of the state.

Session laws and joint resolutions.

8. *And be it enacted*, That it shall be the duty of the treasurer of this state hereafter, upon the receipt of any judicial reports, statutes, digest, laws or public documents, published by or under the authority of this state, or the legislature thereof, or of which the state has become a purchaser, to deliver to the state librarian as many of each of said publications as shall be necessary to furnish one copy thereof to the executive of each state and territory within the United

Distribution of reports, statutes, laws, &c., to other states.

States; and it shall thereupon be the duty of the state librarian, upon the receipt of the same, to distribute and forward to the executive of each state and territory within the United States one copy of each report, annual law digest, statute or other public document published as aforesaid.

Joint committee of the legislature to examine and report.

9. *And be it enacted*, That there shall be appointed annually a joint committee of the legislature, whose duty it shall be to examine into the condition of the library, order any repairs that may be necessary, and recommend additions and improvements to the same by exchange, purchase or otherwise; they shall also report to the legislature the manner in which the money appropriated for the enlargement of the library has been expended, and whatever else they think proper to make the same useful.

Senate and assembly bills and joint resolutions lost on final passage to be deposited in state library.

10. *And be it enacted*, That it shall be the duty of the secretary of the senate and the clerk of the general assembly to deliver to the librarian, immediately after the final action of both houses, each and every bill and joint resolution lost upon its final passage, and at the close of each session they shall also deliver to the librarian all bills laid on the table and unacted upon, together with those indefinitely postponed or postponed to the next sitting of the legislature.

Secretary of state to effect insurance on library.

11. *And be it enacted*, That the secretary of state be and hereby is authorized to effect an insurance against fire on the state library, in a sum not exceeding fifteen thousand dollars, which insurance shall be effected by insuring in three or more different insurance companies, in a sum not exceeding five thousand dollars each.

Treasurer to pay, upon certificate that insurance has been effected.

12. *And be it enacted*, That it shall be the duty of the treasurer, and he is hereby authorized, to pay such premium or premiums as shall be necessary to effect such insurance, upon certificate of the secretary of state that such insurance or insurances have been effected.

Annual appropriation.

13. *And be it enacted*, That the sum of seven hundred and fifty dollars be and is hereby appropriated annually to the state library, to be expended, under the direction of the commissioners, for the furnishing of useful books, reprinting the catalogues and other necessary purposes.

Repealer.

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

Approved March 29, 1878.

CHAPTER CLIV.

An Act to provide for local improvement by sea side associations.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever it appears necessary in the opinion of the board of trustees, directors, commissioners or other corporate authorities of any incorporated sea side association, to open, lay out or improve avenues, streets and sidewalks, or either of them, or to construct cisterns and reservoirs for holding water for the extinguishment of fires, or other purposes for public benefit, it shall be the duty of the said board of trustees, directors, commissioners or other corporate authorities to first obtain the consent, in writing, of a majority of the lot owners on the line of the proposed avenue, street or sidewalk to be opened, laid out or improved, or in case of a proposed construction of cisterns or reservoirs, a majority of the owners of lots within a radius of six hundred feet therefrom.

Consent of majority of lot owners on line of proposed avenue, street, or sidewalk to be laid out, to be first had and obtained, &c.

2. *And be it enacted*, That the cost and expenses of the opening, laying out or improving any avenue, street or sidewalk, or of the constructing of any cistern or reservoir, shall be assessed by the board of trustees, directors, commissioners or corporate authorities of such incorporated sea side association, where such improvement is to be made, or by a committee thereof duly authorized by them, upon the lands and real estate benefited by them, in proportion to the benefit received, and not in excess thereof, and in such manner as may be fair and equitable.

Assessments to be upon lands benefited.

3. *And be it enacted*, That when said board or committee shall have completed said assessment, they shall cause a map to be made showing the location and boundaries of each lot so assessed, and shall designate on each lot of land upon said map, the amount assessed against the same with the owners' names, so far as they may be known to said board or committee, and they shall make and annex to said map a

Assessment maps to be made and filed.

Notice to be given of meeting to hear objections to assessments.

certificate showing the whole amount of said assessment with the amount assessed against each lot, and the names of the owners set opposite thereto if known, as aforesaid, whereupon the said board or committee shall give thirty days' notice in a newspaper published and circulated in the county where said lands are situate, and by notice posted in three of the most public places along the line of said improvement, and by notice in writing personally served, or through the post office mailed to the last known place of residence of such owner or owners, that they will meet at a convenient time and place to be named in said notice, to hear and consider all objections to said assessments, and to revise, correct and finally confirm the same, and at the time and place appointed, all parties interested shall have an opportunity of examining the same and stating their objections thereto ; and said board or committee, for the purpose of giving all parties an opportunity of being fully and fairly heard shall, if necessary, adjourn from time to time, and the judgment of said board or committee shall be final and conclusive upon all parties.

Assessments to be a lien on lots or lands assessed.

4. *And be it enacted*, That all assessments made under the provisions of this act, with all interest to accrue thereon, and all costs and expenses of collection, shall be and remain liens on the lots or lands assessed, and may be collected in such manner as said board may determine against the owners, personally or by enforcement of the lien upon the property subject thereto, after sixty days' notice in writing given to such owner of said assessment either by personal service, or through the post office, directed to the last known residence of such owner ; and if against said owner personally, by suit at law as in other cases of debt, and judgment thereon and sale under the execution issued thereon, of said lots or lands, or of any interest of said owner therein, and if by enforcement of the lien, it shall be lawful for said board to cause such lots or parcels of land, or the interest of such owners therein, to be sold at public auction for the shortest term for which any person will agree to take the same, and pay such assessment, or the balance thereof remaining unpaid, with the interest thereon, and all costs, charges and expenses, and to execute a declaration of such sale and deliver the same to the purchaser ; and such purchaser, his executors, administrators and assigns shall, by virtue thereof, lawfully hold and enjoy the said lands and tenements for his and their

Proceedings in case of sale of lots or lands for assessments.

Declaration of sale to be made to purchaser.

proper use, against the owner or owners thereof, until his term shall become complete and ended, subject to any conditions or reservations contained in the deed or lease under which said owner claims, and subject to redemption by the owner or any person interested therein; and before such sale the said board shall give three months' notice of the time and place thereof, in one or more newspapers published in the county in which the lands are situate; and the owner, or any person interested in said lands and tenements so sold, may redeem the same at any time within two years from said sale, upon the payment of said assessment, with interest, costs and expenses.

Notice to be given of time and place of sale.

How redeemed.

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

Approved March 29, 1878.

CHAPTER CLV.

An Act relating to "commissioners of streets and sewers" 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 cities of this state having less than twenty thousand inhabitants, wherein there are "commissioners of streets and sewers" appointed or elected, it shall not hereafter be lawful for the entire expenses of the said commissioners of streets and sewers including pay of assistants employed and office expenses in any such city over and above the salaries of such commissioners of streets and sewers as now fixed by law, to exceed the yearly sum of three thousand dollars.

Commissioners compensation and expenses not to exceed three thousand dollars over and above the salaries now fixed by law.

2. *And be it enacted*, That all public, local and special acts and all parts of such 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 a public act, and shall take effect immediately.

Approved March 29, 1878.

CHAPTER CLVI.

An Act for the formation of borough governments in seaside resorts.

When inhabitants of any township or part of a township may become a body corporate under title of borough, &c.

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 a township, which is a seaside resort for summer visitors, embracing within an area not to exceed two square miles, taxable property of the amount of one hundred thousand dollars or more, may become a body corporate and politic in fact and in law, under the title of the borough of _____, whenever at a general or special election called for that purpose it may be so decided by a majority of the votes of the electors of such township or part of a township; the electors shall be such persons as are qualified to vote at any election for state and county officers.

Election to be called upon written application.

2. *And be it enacted*, That such election shall be called by one of the chosen freeholders of the township in which such district so intended to be incorporated into a borough is situate, upon written application to him by persons representing one-tenth of the taxable real estate in such district, the application to contain an accurate description of the boundaries of the district so intended to be incorporated into a borough; such description of the boundaries shall be included in the notice of the election published by such freeholder; eight days' public notice of such election shall be given; the said freeholder shall appoint one clerk and two judges of election to act with him in holding such election, which said officers so appointed shall be residents in and legal voters of said district; the election shall be conducted in conformity with the laws respecting general elections.

Public notice of election to be given.

Appointment of judges and clerk.

How public notice shall be given.

3. *And be it enacted*, That the public notice required by this act shall be the posting of such notice in five of the

most public places in the district so intended to be incorporated, and by advertisement in a newspaper printed in the county in which such district is situate.

4. *And be it enacted*, That the polls shall be opened and closed at the hours required for general elections by the laws of this state, at such place as shall have been previously selected. Time of opening and closing polls.

5. *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; four 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 _____; in addition to the above-named officers there shall be elected annually a borough clerk, who shall be clerk of election and 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, as many chosen freeholders as are elected in the townships of the county in which such district is situate, two surveyors of the highways, three commissioners of appeal in cases of taxation, one judge and two inspectors of election and one pound keeper; in addition to the above officers 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; *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 that shall be chosen.

6. *And be it enacted*, That within twenty days after the first election held under this act the clerk shall publish the result of such election and shall file an official certificate of such election and the boundaries decided upon in the offices of the secretary of the state and of the clerk of the county Borough clerk, assessor and collector, chosen freeholders, surveyors of highways and commissioners of appeal. Proviso. Certificate of election and boundaries decided upon to be filed.

in which such borough is situate, which certificate shall be signed by three of the members of council elected.

Officers re-
quired to take
oath before en-
tering upon the
discharge of
their offices.

7. *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 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.

Bonds to be
given when re-
quired by
council.

8. *And be it enacted*, That such officers as the council shall require, shall, before they enter on the duties of their office, give bonds to the borough in its corporate name in such sums and with such sureties as the said council may approve for the faithful performance of their duties.

Borough coun-
cil, how consti-
tuted.

9. *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 shall 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 rules, by-laws and regulations and in general to do and perform all such other acts as 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.

General powers

Vacancies, how
supplied.

10. *And be it enacted*, That in case of a 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 the 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.

11. *And be it enacted*, That the borough clerk, judge and inspectors of election, collector, assessor, chosen freeholders, surveyors of the highways, 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 power and duties as provided for in this act, or shall be enjoined by the ordinances of said council.

12. *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 for 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 warrants shall be made and numbered payable to the order of the person or persons to receive the same, and shall specify for what purpose the amount therein mentioned is directed to be paid; the said treasurer shall keep a record of the proceedings affecting the revenue of said borough, and shall make out, annually, on the first Tuesday in March, or oftener should the said 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

Duties of the borough clerk and other officers.

Duty of the collector.

Moneys to be paid on warrant of council, signed by the mayor and countersigned by the clerk.

all moneys disbursed therefrom, from the commencement of his official year to the date aforesaid, and file a copy with the borough clerk.

Council may pass ordinances &c. to lay out, open, and grade streets, &c., and establish boundaries.

Proviso.

To regulate paving and repairing streets.

Obstructions.

Streets.

Boundaries of territory.

Grading and paving sidewalks.

Nuisances.

To prevent driving over sidewalks.

For lighting streets

To prevent animals running at large.

Fast driving.

Disorderly assemblages, riots and disturbances.

Erection of fountains.

13. *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, side 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, 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 agent; 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 gunpowder 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 or suppressing all gaming or disorderly houses; for regulating or preventing the carrying on of any trade, business or manufacture likely to promote or cause fires, 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; for the suppression of vice and immorality; for the licensing and regulating butchers, hawkers, hucksters, peddlars and petit hucksters; 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 the constitution of this state or of the United States.

Regulating fire apparatus.

Gunpowder.

Special policemen and other subordinate officers.

Public pounds.

Vagrants.

Public buildings.

Gaming.

Prevention of fires.

Sewerage.

Water and gas pipes.

Gas and water works.

Licenses to peddlars.

May enact other ordinances.

14. *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

Ordinance to be presented to the mayor.

To be approved.

How passed if not approved.

- same, and if three-fourths of all the members shall pass the same it shall take effect as a law, but in every such case the vote shall be taken by ayes and noes and entered on the journal; and if such ordinance or resolution shall not be 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 by-law on its final passage on the same day which the same shall be introduced.
- To be a law if not returned to council in time specified.**
- Proviso.**
- Proviso.**
- Enacting title.** 15. *And be it enacted*, That the ordinances of such borough shall begin in the following style, viz.: "Be it enacted by the mayor and council of the borough of _____."
- Annual tax for current expenses of boroughs not to exceed ten mills on the dollar.**
- How assessed and collected.**
- Council may borrow money in anticipation of taxes.**
- Proviso.** 16. *And be it enacted*, That 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, not exceeding ten 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 township, are or may be by 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 five 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 by this act authorized to raise money by tax, as they may deem necessary, and secure the payment thereof by bond or other instrument, under the common seal of 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*, that no loan shall be

made without the concurrence of a majority of all the members of said council.

17. *And be it enacted*, That whenever hereafter a greater sum of money than the said sum of ten mills on the dollar, shall in the opinion of the said council, be necessary to be raised in any one year for the uses 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 such borough is situate, for at least two weeks, once in each week, before acting thereon; and by printed hand bills 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 duplicate 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 the said council to be raised by tax in such borough, shall be assessed and collected the same as other taxes are assessed and collected.

Notice to be given when greater sum is necessary to be raised by tax in any one year for borough purposes.

18. *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 in 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

May establish ordinances for extending, altering or widening any street, road, &c., on application of property holders.

Appointment of commissioners.

Duties and requirements.

to by the law of the state concerning roads; and the law of this state is hereby made applicable in all such cases.

Fees and compensation to borough officers to be fixed by council.
Proviso.

Compensation not allowed to members of council.

Fines and penalties.

Mayor constituted a court of record.

Mayor may issue warrant for arrest of offenders and commit to jail.

In case of fine may issue execution.

Duties of the jailor of the county as to commitments made by mayor of borough.

19. *And be it enacted*, That the council of such 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.

20. *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 offences 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 upon oath or affirmation of an offence 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, that 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 said offender or offenders, and the said borough marshal or policeman is hereby authorized and required to execute the process aforesaid; that the jailor 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.

21. *And be it enacted*, That the assessor shall assess and the collector shall collect the taxes in the same manner as the assessors and collectors of townships in this state are required by law to assess and collect, and in case of the non-payment of taxes the said collector shall proceed to enforce the collection thereof as now required by law of township collectors in this state. Mode of assessment and collection of taxes.

22. *And be it enacted*, That the commissioners of appeal in cases of taxation shall meet annually on the fourth Tuesday of November, to hear and determine all complaints of unjust taxation; they shall sit from ten o'clock in the forenoon until five o'clock in the afternoon, or longer if found necessary, to dispose of all cases submitted to them for consideration, and shall give public notice of the time and place of such intended meeting, in any newspaper printed in the county, if any there be, at least ten days previous to such assembling, and by handbills posted in five of the most public places in said borough. Commissioners of appeal in cases of taxation to meet annually.

23. *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 said 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 peace or violation of any law of this state committed within the said borough, or for disturbing the public tranquility 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 and authority that is by law vested in justices of the peace of the several counties of this state; the borough marshal and Mayor to see that laws of the state and ordinances of the borough are executed.

General powers and authority.

policemen of said borough shall execute 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 against the by-laws and ordinances of said borough, and to confine 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 shall be held within twenty-four hours, unless a 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.

Proviso.

Act not to interfere with any seaside resort now existing.

Proviso.

24. *And be it enacted*, That this act is not intended to interfere with any seaside resort now existing within this state, or to repeal any laws heretofore made for the government of the same; *provided*, that nothing in this act shall be construed to authorize the formation of any borough government on any island on which there is now an incorporated city.

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

Approved March 29, 1878.

CHAPTER CLVII.

A Further Supplement to an act entitled "An act for the better regulation of proceedings upon writs of mandamus," passed December second, seventeen hundred and ninety-four.

When writ of mandamus has been denied by supreme court, proceedings may be brought

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That upon all applications heretofore made, or hereafter to be made, for a writ of alternative or peremptory mandamus, to compel the mayor and

common council, or the mayor and board of aldermen, or any officer or officers of any city, to perform a duty required by any statute, and such writ has been denied by the supreme court by reason of the unconstitutionality of such statute, or where the question of such unconstitutionality is involved in the denial of such writ, it shall be lawful for the applicant or applicants for such writ to sue out and prosecute a writ of error to remove the proceedings into the court of errors and appeals; which court shall thereupon review the said proceedings and the action of the supreme court thereon, and make determination in reference thereto.

in court of errors on writ of error.

2. *And be it enacted*, That the writ of error shall be made returnable forthwith, and upon return thereof the court shall require an immediate or speedy assignment of and joinder in error, and upon such short notice as may be directed by the court, shall hear and determine the case during the term to or in which the writ is returnable if possible; and on reversal, the supreme court shall take action accordingly.

Writ of error to be made returnable forthwith.

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

Approved March 29, 1878.

CHAPTER CLVIII.

A Supplement to an entitled "An act to secure to mechanics and others payment for their labor and materials in erecting any building," (revision) approved March twenty-seventh, one thousand eight hundred and seventy-four.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the act entitled "An act to amend an act entitled 'An act to secure to mechanics and others payment for their labor and materials in erecting any building,' (revision) approved March twenty-seventh, one thousand eight hundred and seventy-four," which act to amend was approved March ninth, one thousand eight hundred and seventy-seven, and is as follows :

Recital of act
to be amended.

" 11. That every person intending to claim a lien upon any building or lands by virtue of this act, shall within one year after the labor is performed or the materials furnished for which such lien is claimed, file his claim in the office of the clerk in the county where such building is situate, which claim shall contain these matters :

" I. A description of the building and of the lot or curtilage upon which the lien is claimed, and of its situation sufficient to identify the same.

" II. The name of the owner or owners of the estate therein on which the lien is claimed.

" III. The name of the person who contracted the debt, or for whom, or at whose request the labor was performed, or the materials furnished for which such lien is claimed, who shall be deemed the builder.

" IV. In claims hereafter filed, a true statement of the time of the commencement of the building for which said lien is claimed, the statement of which shall be conclusive as against the claimant.

" V. A bill of particulars exhibiting the amount and kind of labor performed, and of materials furnished, and the prices at which and times when the same was performed and furnished, and giving credit for all payments made thereupon, and deductions that ought to be made therefrom, and exhibiting the balance justly due to such claimant, which statement, when the work or materials, or both, are furnished by contract, need not state the particulars of such labor or materials further than by stating generally that certain work therein stated was done by contract at a price mentioned, and such bill of particulars and statement shall be verified by the oath of the claimant or his agent in said matter, setting forth that the same is for labor done or materials furnished in the erection of the building in such claim described at the times therein specified, that the commencement of the building was at the time therein stated, and that the amount as claimed therein is justly due; and when such claim shall not be filed in the manner or within the time aforesaid, or if the time of the commencement of the building shall be wilfully or fraudulently misstated, or if the bill of particulars shall contain any wilful or fraudulent misstatement of the matters above directed to be inserted therein, the building

or lands shall be free from all lien for the matters in such claim," be amended so as to read as follows: Recital continued.

11. That every person intending to claim a lien upon any building or lands by virtue of this act, shall, within one year after the labor is performed or the materials furnished, for which such lien is claimed, file his or her claim in the office of the clerk of the county where such building is situate, which claim shall contain these matters: Amendment.

I. A description of the building and of the lot or curtilage upon which the lien is claimed, and of its situation sufficient to identify the same. Description of building.

II. The name of the owner or owners of land or of the estate therein on which the lien is claimed. Name of owner, &c.

III. The name of the person who contracted the debt, or for whom, or at whose request the labor was performed, or the materials furnished for which such lien is claimed, who shall be deemed the builder. Name of person who contracted debt.

IV. A bill of particulars exhibiting the amount and kind of labor performed and of materials furnished, and the prices at which, and times when the same was performed and furnished, and giving credit for all the payments made thereupon, and deductions that ought to be made therefrom, and exhibiting the balance justly due to such claimant; which statement when the work or materials, or both, are furnished by contract, need not state the particulars of such labor or materials, further than by stating generally that certain work therein stated was done by contract at a price mentioned; and such bill of particulars and statements shall be verified by the oath of the claimant, or his agent in said matter, setting forth that the same is for labor done or materials furnished in the erection of the building in such claim described, at the times therein specified, and that the amount as claimed therein is justly due, and when such claim shall not be filed in the manner or within the time aforesaid, or if the bill of particulars shall contain any wilful or fraudulent misstatement of the matters above directed to be inserted therein, the building or lands shall be free from all lien for the matters in such claim. Bill of particulars exhibiting amount and kind of labor, &c.

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

Approved April 1, 1878.

CHAPTER CLIX.

An Act concerning recognizances.

Recognizances
of bail in crim-
inal cases may
be taken by
clerk.

Proviso.

Recognizance
of tavern keeper
may be taken
by county clerk

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in the courts of oyer and terminer and general gaol delivery, and general quarter sessions of the peace, and in the courts of special sessions, now existing or hereafter to be created, recognizances of bail in criminal cases may be taken by the clerk of said courts, during any recess, or after any adjournment thereof, upon the written order of the presiding judge of either of said courts; and that all recognizances so taken shall be held as binding as if taken in open court; *provided, however*, that this act shall apply only to courts having a presiding law judge.

2. *And be it enacted*, That hereafter the recognizance of any inn and tavern keeper may be taken by the clerk of the county in which such inn and tavern keeper is licensed; and such recognizance shall be held as binding as if taken in open court.

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

Approved April 1, 1878.

CHAPTER CLX.

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

Amount of ap-
propriation to
school.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the sum of twenty-seven thousand five hundred dollars is hereby appropriated for the maintenance and support of the reform school for boys.

2. *And be it enacted*, That the sum of two thousand and five hundred dollars is hereby appropriated for the purchase of heating apparatus and machinery for heating main building. For heating apparatus.

3. *And be it enacted*, That that the sum of five thousand and five hundred dollars is hereby appropriated for the enlargement of the workshop building and for furnishing the same. For enlargement of workshop.

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

Approved April 1, 1878.

CHAPTER CLXII.

An Act to provide for the election of assessors and collectors in towns and villages.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in cases where any town or village has, by act of the legislature, been or shall be set off from any township, and in the act setting off the same, or in the act incorporating such town or village, there is no provision for the election or appointment of assessor and collector to assess and collect the taxes of such town or village, in such case there shall be elected in and for said town or village at the next annual election after the passage of the act setting off the same an assessor and a collector of taxes, who shall assess and collect the state and county and other taxes required to be assessed in said town or village, in the same manner, within the same time, and under the same penalties as township taxes are required by law to be assessed and collected. Election of assessors and collectors in towns and villages set off from any township.

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

Approved April 2, 1878.

CHAPTER CLXIII.

An Act in relation to county expenditures.

- Boards of chosen freeholders to declare amount of money necessary for certain purposes.
1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in ordering in each year the amount of money to be raised for county purposes, the boards of chosen freeholders of the several counties in this state shall declare the amount necessary to be raised for each of the following classes and sub-classes of expenditures, to wit :
- Current expenses.
- I. Current expenses, to wit : first, for courts ; second, for county jail, for county penitentiary, and for county poor house, or for such of said institutions as may be maintained by the county ; third, for the support of lunatics in state asylums, and for the support of lunatics in county asylums, if the board have a county asylum ; fourth, for the compensation and lawful expenses of chosen freeholders and committees, and for the salaries of their officers ; fifth, for fees of coroners ; sixth, for elections ; seventh, for stationery ; eighth, for advertising, publishing and printing ; ninth, for incidental expenses ;
- Debt and interest.
- II. Debt and interest, to wit : first, for payment of principal of bonded debt falling due in each year, or for sinking fund ; second, for payment of interest on bonded debt ; third for payment of bank discounts on temporary loans ;
- Public works.
- III. Public works, to wit : first, for the permanent improvement of the public buildings and grounds ; second, for the erection and repair of bridges or culverts ; third, for the improvement and repair of public highways, where the power to expend money therefor has been vested by law in any such board.
- Amount declared to be necessary for purposes specified shall thereby become appropriated, &c.
2. *And be it enacted*, That the amount so as aforesaid declared to be necessary for the several purposes specified, shall thereby become appropriated for such purposes ; but the whole amount of money appropriated, contracted or expended in any one year by any board of chosen freehold-

ers shall not exceed three-quarters of one per centum of the gross valuation of taxable property in the county, as reported by the county board of assessors of said county for the next preceding year; the appropriations made as aforesaid may be altered from time to time by the said boards, respectively, by the affirmative votes of three-fourths of all their members, but the aggregate amount appropriated and ordered to be raised in any one year shall not be exceeded, except as hereinafter provided.

Appropriations may be altered.

3. *And be it enacted*, That in case of the sudden destruction, partial or entire, of any building of the county, or of any bridge or culvert for which any board is wholly or jointly with another board responsible, the said board may, by the affirmative votes of four-fifths of all its members, order such building, bridge or culvert repaired, and may borrow money therefor in anticipation of the next tax levy, and in the said tax levy there shall be incorporated a special appropriation, under the head of "debt and interest, special deficiency," to pay for such temporary loan to meet such emergency.

Temporary loans authorized in certain cases.

4. *And be it enacted*, That it shall be lawful for any board of chosen freeholders to make temporary loans in anticipation of taxes, such loans to be, with any renewals thereof, for a period not exceeding nine months, and not to exceed three-fourths of the aggregate amount of the appropriations for the current year.

Loans may be made in anticipation of taxes.

5. *And be it enacted*, That it shall be lawful for any board of chosen freeholders who have already incurred obligations in excess of the ordinary appropriation by reason of the damages done to bridges by freshets, or in preserving the peace of the state to suppress riots or strikes, to borrow money to discharge such obligations.

May borrow money for certain purposes.

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

Approved April 2, 1878.

CHAPTER CLXIV.

An Act to define and regulate the fees, costs and expenses of receivers of arrears of taxes of townships, where the same are fixed by special acts and where the said receivers are elected by township committees.

Receiver of ar-
rears of taxes.
Fees, &c.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in any township or townships in this state where a receiver of arrears of taxes is elected by the town committee, and where the said receiver's fees, costs, expenses, powers and duties are regulated by special act, such receiver shall receive and collect for his costs, fees and expenses the following amounts and no more: for executing any warrant, the sum of one dollar for each delinquent taxpayer; and for advertising any sale under said warrant, the sum of one dollar for each description of any lot of land and premises; and for each deed actually delivered, the sum of one dollar; and for the acknowledgment of each deed, the sum of fifty cents.

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

Approved April 2, 1878.

CHAPTER CLXV.

A Further Supplement to an act entitled "An act appointing commissioners for a sinking fund and defining their duties," approved March twenty-fifth, eighteen hundred and sixty-four.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That from and after the first day of January, anno domini eighteen hundred and seventy-nine, all the moneys received in each year by the commissioners of the sinking fund of this state, whether in repayment of loans previously made by them, or as interest or dividends upon the securities forming the principal of said fund, shall be appropriated and applied by the said commissioners to the payment, in the first place, of the interest accruing annually upon the outstanding bonds issued by this state in pursuance of an act entitled "An act authorizing a loan for the purpose of war," &c., approved May tenth, eighteen hundred and sixty-one, and the several supplements thereto, and in the second place toward the payment of the annually maturing principal of the said bonds to the amount of ten thousand dollars annually, and the remainder of the annually maturing principal of the said bonds shall be paid from an annual state tax, to be levied and collected as other taxes for state and county purposes are now levied and collected.

Moneys received, how appropriated and applied.

2. *And be it enacted*, That it shall be the duty of the said commissioners to collect a sufficient sum of the principal of the said sinking fund in each year, to supplement the income of the said fund, to meet the payments required to be made from the said fund by the foregoing section; *provided*, that in case there be unavoidable delay in the collection of the necessary sum for these purposes the deficiency shall be supplied from the state treasury, to be drawn therefrom, as the said bonds mature and interest accrues, upon the warrant of the comptroller, which sum or sums so drawn to meet such deficiency, shall be deemed loans made from the state treas-

Commissioners to collect sufficient of principal to meet payments, &c.

Proviso.

ury to the sinking fund, for the purposes mentioned, and shall be repaid to the state treasury by the said commissioners as fast as collected by them.

Excess of sum
required to
meet payments,
how invested.

3. *And be it enacted*, That in case the amount received in any one year by the said commissioners from payments of principal and interest of the said sinking fund, shall be in excess of the sum required to meet the payments provided for in the first section of this act; the said excess shall be invested, with the approval of the governor and attorney general, in such bonds of the United States, of this state, or of the several counties and cities of this state, as will permit the said moneys to be made promptly available.

Money not to be
invested in
mortgage se-
curities.

4. *And be it enacted*, That it shall not be lawful for the said commissioners to invest or reinvest any moneys which may be received by them from payments of principal or interest of the said sinking fund or from any other source, on mortgage securities, or in any other manner than is hereinbefore provided.

Detailed state-
ment to be
made in annual
report.

5. *And be it enacted*, That it shall be the duty of the commissioners of the sinking fund, in their annual report to the governor, to furnish a detailed statement of the securities belonging to the said fund, of all property of every description which has come into their hands as commissioners, and a statement of the amount of arrearages of interest on each loan made by them.

Repealer.

6. *And be it enacted*, That all acts or parts of acts which confer upon the said commissioners the authority to invest the moneys of the sinking fund in any other manner than is hereinbefore provided, and all other acts or parts of acts inconsistent with this act, be and the same are hereby repealed.

Approved April 2, 1878.

CHAPTER CLXVI.

Supplement to an act entitled "An act respecting the orphans' court, and relating to the powers and duties of the ordinary, and the orphans' courts and surrogates," approved March twenty-seventh, eighteen hundred and seventy-four.

1. BE IT ENACTED *by the Senate and General Assembly* Inventory and settlement of accounts in surrogate's office. *of the State of New Jersey,* That it shall not be necessary for any executor or administrator, under any last will and testament heretofore made, or which may hereafter be made, who is entitled to all the personal estate of the testator, after payment of debts and specific bequests, legacies or trusts, to file an inventory or settle his accounts in the surrogate's office, unless required so to do as hereinafter set forth; *pro-* Proviso. *vided,* such executor or administrator shall within one year after probate of said will, or such further time as the orphans' court of the county in which said will was proved shall for good cause shown allow, record in the surrogate's office of the county in which his letters testamentary or of administration with the will annexed shall have been granted, full receipts, releases and discharges from the persons entitled to such specific bequests, legacies or trusts; *and provided fur-* Proviso. *ther,* that any person interested in the estate may apply to the orphans' court of the county wherein said will may have been or may be proved, and upon such application such court, on notice given to said executor or administrator in the manner directed by the court, and on consideration of the circumstances of the case, may make order requiring said executor or administrator to file an inventory and to settle his accounts, and thereupon said executor or administrator shall proceed and file an inventory and settle his accounts in the same manner other executors or administrators are or may be required by law to do; *and provided further,* that all the Proviso. powers and authority granted by this act to the orphans' court may be exercised by the ordinary in cases where the

will shall be admitted to probate or letters of administration with the will annexed granted by him.

Repealer.

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

Approved April 2, 1878.

CHAPTER CLXVII.

A Further Supplement to an act entitled "An act appointing commissioners for a sinking fund, and defining their duties," approved March twenty-fifth, eighteen hundred and sixty-four.

May receive
real estate in
satisfaction of
mortgage.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the commissioners of the sinking fund of New Jersey be and they are hereby authorized and empowered to take and receive, by their official style and title, and as part of the assets of said fund, a conveyance of any real estate or other property in satisfaction of any mortgage which they may hold thereon, whenever the owner thereof is willing so to convey the same to them, and when in their judgment, the interests of the state will be better promoted by their taking such conveyance than by foreclosing such mortgage and selling at public sale the property covered thereby.

Empowered to
sell and convey
real estate.

2. *And be it enacted*, That in all cases where said commissioners have received, or shall receive, such conveyance of real estate or property, they are hereby empowered to sell and convey the same for such price and to such person or persons, and on such terms, as the governor of this state for the time being shall approve, and the consideration therefor shall be assets of said fund.

May rent or
lease property.

3. *And be it enacted*, That until said commissioners shall sell any real estate or property which has been or shall be so conveyed to them, or which they have purchased or shall

purchase at any sale upon a foreclosure of any mortgage by them held thereon, they may rent or lease the same on the best terms they can obtain, and may also appropriate and use so much of the moneys of said fund as they may deem necessary to protect and take care of such real estate or property and to keep the same in good condition and repair.

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

Approved April 2, 1878.

CHAPTER CLXVIII.

An Act to enable the several townships of this state, in certain cases, to provide additional public school buildings for the free instruction of the children of such townships.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever, from a rapid or unexpected increase of population of any township in this state, or any unforeseen occurrence, the township committee of such township having authority to provide free school and other buildings in such township by the issue and sale of the bonds of said townships to an amount not to exceed ten thousand dollars, shall consider it necessary to provide additional accommodations for the free instruction of the children of such township, or any portion thereof, it shall be lawful for and said township committee are hereby authorized and empowered to issue in the corporate name of said township, at such times and in such amounts only as shall be required, either registered or coupon bonds, to be denominated upon the face thereof, "Township of Township committee authorized to issue bonds. Public Free School Building Bonds," to an amount not to exceed six thousand dollars in the aggregate, bearing interest at the rate of six per centum per annum, payable half-yearly, on the first days of January and July of each year; the principal of said bonds shall be payable in not less than ten nor Amount not to exceed. When payable.

How executed. more than thirty years from the dates thereof; said bonds shall be signed by the president or chairman of said committee, and countersigned and registered by the clerk or secretary thereof, and sold at public or private sale at not less than the par or face value thereof; and the proceeds of such sale shall be faithfully and promptly applied to and paid for the erection, finishing and furnishing of a public free school building or buildings in said township, and for the payment of said bonds and the interest thereon as the same may become due, and for no other purpose or object whatever; and the said township committee are hereby authorized and required to assess, levy and collect as other township taxes are assessed and collected, and add the same to the "public building tax" of said township in each year a sum sufficient to pay the interest and extinguish the principal of said bonds as the same shall become due and payable, and apply the same to the purposes of this act and to no other purpose whatever; *provided*, the provisions of this bill shall have no force or effect until it is first submitted to a vote of the property holders affected by the same, and after a majority of said property holders, at an election which shall be called by the board of township committee, shall have given their approval to the provisions of this act; *provided, however*, that this act shall not apply except to counties having a population of one hundred thousand inhabitants and upwards.

Proceeds of sale, how applied.

Proviso.

Proviso.

Approved April 2, 1878.

CHAPTER CLXIX.

An Act concerning cemetery associations, and regulating the election of trustees.

Election of trustees whose election has not been held on day appointed by law.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That if at any time any cemetery company or association of this state, whether organized under any general or special act or acts of this state, is dis-

covered to be without trustees lawfully elected to manage its affairs, or if any cemetery association of this state has omitted and failed to hold an election for trustees or to elect trustees, on the day designated and appointed in and by the provisions of law incorporating such cemetery company, it shall be lawful for every such cemetery association to proceed to hold an election for trustees of such association, three or more of the persons owning lots in the cemetery of such association, first giving at least ten days' notice of the time and place of holding such election, which notice shall be published in one or more newspapers circulating in the county in which such cemetery is located, which election shall be by ballot and shall be held at the principal office or place of business of the said company in this state, at which election every person of full age, owning a lot in said cemetery, and in case of a joint or several ownership in any lot, then such one of the parties in interest, as the majority of ownership in such lot shall designate to represent such lot, may either in person or by proxy in writing, give one vote for each lot so owned; *provided*, no person shall give as owner, or by proxy, more than one hundred votes at such election for trustees, and the persons receiving the largest number of the votes given at such election shall be and remain the lawful trustees of such company until their successors are lawfully appointed, and said trustees shall be chosen from the lot owners, and shall not exceed the number of trustees provided by law for such company.

Notice of time
and place to be
given.

Who may vote.

Proviso.

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

Approved April 3, 1878.

CHAPTER CLXX.

An Act to authorize the appointment of commissioners to the Exposition to be held in the city of Paris in the year eighteen hundred and seventy-eight, and to define their duties.

Governor to appoint commissioners.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That there shall be appointed by the governor of this state, under the seal thereof, ten persons who shall be residents of this State and who shall constitute "The Board of Commissioners of New Jersey to the Paris Exposition."

Duties of the commissioners.

2. *And be it enacted*, That it shall be the duty of said board of commissioners to take all proper measures to secure the co-operation of scientific, educational, agricultural, mechanical, manufacturing and other associations throughout this state, to the end that the respective industries of this state may be worthily represented at the said exposition, to stimulate action and effort, and to encourage the production of articles suitable for exhibition, and to render such assistance as they may be able to such commissioners from this state as may be appointed, or have been appointed by the authorities of the United States, and to make such a report to the governor of this state as circumstances require and as soon after the close of said exposition as is possible to complete the business connected therewith.

No compensation allowed.

3. *And be it enacted*, That the said commissioners shall not receive any compensation for their services nor any allowance for expenses.

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

Approved April 3, 1878.

CHAPTER CLXXI.

A Further Supplement to an act entitled "An act relative to justices of the peace," approved April seventeenth, eighteen hundred and seventy-six.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section one of a supplement to said act approved April twenty-first, eighteen hundred and seventy-six, which reads as follows:

"That hereafter at the election for justices of the peace in the several townships and wards in this state, which vote by ballot at their town meetings, the polls shall be opened at the same time and place, and the election conducted in the same manner, and be subject to the same rules as are provided by law, for the election of the several township officers in said townships or wards," be and the same is hereby amended so that it shall be enacted to read as follows:

That hereafter at the election for justices of the peace in the several townships and wards in this state, which vote by ballot at their town meetings and municipal elections, the polls shall be opened at the same time and place, and the election conducted in the same manner, and be subject to the same rules as are provided by law, for the election of the several township and municipal officers in said townships and wards, and without any compensation therefor, to the officers holding said election, in addition to what is provided by law, for conducting said annual elections for township and city officers.

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

Approved April 3, 1878.

CHAPTER CLXXII.

An Act creating a sinking fund for the payment of certain assessments in cities.

Special tax authorized when amount assessed is less than total cost of improvements.

Amount raised on account of principal to be deposited as a sinking fund.

Proviso.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in all cases where any commissioners of assessments, board of assessors or other persons having the power or authority by any act or acts of the legislature of this state to assess the costs, damages and expenses of any improvement upon lands, or upon the owner or owners of lands, benefited by such improvement, shall assess, or have assessed, upon the same an amount less than the total cost of any improvement, it shall be lawful for the city council, board of aldermen, township committee or other corporate authority of any city, town, township or incorporated place, and they are hereby required to raise, by special tax, the amount of interest accruing and to accrue in each year upon the amount of the total cost of such improvement not specially assessed upon the lands, or upon the owner or owners of the lands, benefited by said improvement, whether the same or any part thereof be in the form of permanent or temporary obligations, together with at least one per centum of the principal of said obligations; the amount raised in each year on account of the principal of said obligations to be deposited and held by the sinking fund commissioners, or other similar body if any, and if none, then by the legislative body of such corporation, as a sinking fund for the payment of the principal of said obligations, and to be used for no other purpose whatever; *provided, however*, that nothing in this act contained shall in any way affect or impair the provisions of the act of the legislature of New Jersey entitled "An act respecting bonds of cities, towns, townships and other incorporated places," approved April twenty-second, eighteen hundred and seventy-six.

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

Approved April 3, 1878.

CHAPTER CLXXIII.

A Supplement to an act entitled "An act to extend the time for the completion of railroads," approved February twentieth, eighteen hundred and seventy-eight.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That any railroad company incorporated by any special act of the legislature of this state, six miles or more of whose railroad has been built, the time for the completion of which will expire during the year now current, be and they are hereby authorized and empowered to complete their respective railroads within five years from the passage of this act, anything in their charters or original acts of incorporation, or the supplements thereto, to the contrary notwithstanding; *provided*, that in all other respects the said companies shall be subject to all the powers and restrictions contained in their several acts of incorporation and the supplements thereto. Time for completing railroads extended Proviso.
2. *And be it enacted*, That all acts or parts of 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 April 3, 1878.

CHAPTER CLXXIV.

An Act concerning bonds given for the payment of assessments in cities.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in any city in this state where, in lieu of cash payment of assessment or assessments City treasurer authorized to receive in payment of bond given for assess-

ments the principal with interest at seven per cent. from date of bond.

for any street or public improvements, a bond or bonds shall have been or may hereafter be given by the owner of any property assessed, payable to the city treasurer of such city, conditioned alone or among other things for the payment of any such assessment or part of such assessment, with interest at any rate exceeding the rate of seven per centum per annum, it shall be lawful for the city treasurer of such city, with the consent of the mayor and board of council of such city, to receive in full payment of such bond the principal thereof, with interest at and after the rate of seven per centum per annum from the date of the bond, notwithstanding any breach of the condition of any such bond, or any provision in said bond, or of any statute to the contrary; *provided*, that where such bonds are pledged to commissioners of the sinking fund of any city for the benefit of a sinking fund, it shall not be lawful to take payment of a rate of interest less than the amount provided for in the bonds without a resolution adopted by such commissioners, prescribing a general and uniform reduction of the rate of interest on said bonds.

Proviso.

Repealer.

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

Approved April 3, 1878.

CHAPTER CLXXV.

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

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

Recital of section to be amended.

"All persons who shall intermarry within the degrees prohibited by law, or being related within such degrees, shall together commit fornication or adultery be adjudged to be

guilty of incest and a misdemeanor, and on conviction thereof, shall be punished by fine not exceeding five hundred dollars, or by imprisonment at hard labor not exceeding eighteen months, or both, at the discretion of the court before whom such conviction shall be had," be and the same is hereby amended so that the said section shall read :

39. All persons who shall intermarry within the degrees prohibited by law, or being related within such degrees shall together commit fornication or adultery, shall be adjudged to be guilty of incest and a misdemeanor, and on conviction thereof, shall be punished by fine not exceeding five hundred dollars, or by imprisonment at hard labor not exceeding eighteen months, or both, at the discretion of the court before whom such conviction shall be had ; *provided*, that this section shall not apply to persons being related to each other as parent and child.

Amendment.
Penalty for intermarrying within degrees prohibited by law.

Proviso.

2. *And be it enacted*, That all persons being related to each other as parent and child, who shall intermarry, or together commit fornication or adultery, shall be adjudged to be guilty of incest and a high misdemeanor; and every parent who shall be guilty of open lewdness with, or any act of indecency towards, and tending to debauch the morals and manners of any child or children of such parent; and every parent who shall make any infamous proposal to any child or children of his or her own flesh and blood, with intent to commit adultery or fornication with such child, shall be adjudged guilty of a high misdemeanor; and any person convicted of the crimes mentioned in this section or any of them, shall, on conviction, be punished by fine not exceeding one thousand dollars, or imprisonment at hard labor for any term not exceeding fifteen years, or both, at the discretion of the court.

Penalty for open lewdness, infamous proposal, &c.

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

Approved April 3, 1878.

CHAPTER CLXXVI.

An Act in relation to school taxes in townships of this state.

Poll tax for school purposes not to exceed one dollar.

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 all poll taxes directed to be raised for school purposes in any township of this state shall not exceed one dollar and shall be applied to the school districts where such tax is collected.

Repealer.

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

Approved April 3, 1878.

CHAPTER CLXXVII.

An Act regulating the boundary lines of the aldermanic districts in cities of this state.

Boundary lines to conform to lines of assembly districts.

1. BE IT ENACTED, *by the Senate and General Assembly of the State of New Jersey*, That wherever the boundary lines of the aldermanic districts of any city in this state were, prior to the first day of January, eighteen hundred and seventy-eight, laid out similar to the lines of the assembly districts of such city, or parts thereof, contained in said city, the boundary lines of such aldermanic districts shall hereafter conform with and be identically the same as the lines of such assembly districts or parts thereof in any such city.

Official representation in aldermanic districts.

2. *And be it enacted*, That whenever any aldermen, commissioners, directors of education, or other public officials of any city in this state have heretofore been elected from

aldermanic districts, the boundary lines of which conformed with those of the assembly districts or parts thereof contained in said city, such aldermen, commissioners, directors of education or other public officials shall hereafter be elected from and represent in their official capacities aldermanic districts the boundary lines of which shall conform with those of the assembly districts or parts thereof contained in said city; *provided, however*, that the said alderman, commissioner or directors of education shall continue to represent the district from which they were elected until the expiration of their term of office, notwithstanding any change in the boundary lines of the said districts.

3. *And be it enacted*, That a notice of election, stating the officers to be elected, describing the boundary lines of the precincts and aldermanic districts from which they are to be chosen, published in the official papers of said city by direction of the board of aldermen of said city, five days prior to any election to be held in such aldermanic districts during the year of our Lord one thousand eight hundred and seventy-eight, shall be considered as good and sufficient notice in lieu of all other notice provided for by the laws of this state, and such action by such board of aldermen shall be valid and effectual without the assent of the mayor of any such city during the year one thousand eight hundred and seventy-eight.

4. *And be it enacted*, That the board or boards of registry in any city affected by the provisions of this act shall revise their lists of voters and take such other action as may be required by law, or as may be directed by the board of aldermen of said city, for the purpose of carrying out the provisions and intent of this act, and such direction shall be conclusive upon such board or boards of registry without the approval of the mayor of any such city during the year one thousand eight hundred and seventy-eight.

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

Approved April 3, 1878.

CHAPTER CLXXVIII.

A Supplement to an act entitled "An act to re-apportion the several assembly districts of the state of New Jersey," approved March twenty-second, one thousand eight hundred and seventy-one.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the act entitled "An act to re-apportion the several assembly districts of the state of New Jersey," approved March twenty-second, one thousand eight hundred and seventy-one, and which said act reads as follows :

Recital of act
to be amended.

"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 which said counties are entitled to elect respectively; that is to say, the county of Cape May shall constitute one assembly district, to be composed of the several townships therein and the city of Cape May.

"2. *And be it enacted*, That the county of Atlantic shall constitute one assembly district, to be composed of the several townships therein and the city of Atlantic.

"3. *And be it enacted*, That the county of Cumberland shall constitute two districts, the first to be composed of the first, second and third wards of the city of Bridgeton and the townships of Fairfield, Downe, Hopewell, Stoe Creek and Greenwich; the second district to be composed of the first, second and third wards of the city of Millville, and the townships of Maurice River, Landis and Deerfield.

"4. *And be it enacted*, That the county of Salem shall constitute two districts, the first district to be composed of the townships of Lower Penns Neck, Upper Penns Neck, Pilesgrove, Upper Pittsgrove and Pittsgrove; the second district to be composed of the first and second wards of Salem

city, and the townships of Elsinboro, Mannington, Upper Alloways Creek and Lower Alloways Creek. Recital continued.

"5. *And be it enacted*, That the county of Gloucester shall constitute two districts, the first district to be composed of Woodbury city, and the townships of West Deptford, Deptford, Mantua, Washington, Greenwich and Monroe; the second district to be composed of the townships of Clayton, Franklin, Harrison and Woolwich.

"6. *And be it enacted*, That the county of Camden shall constitute three districts, the first district to be composed of the first, second, third and fourth wards of the city of Camden; the second district to be composed of the fifth, sixth, seventh and eighth wards of the city of Camden, and the townships of Stockton and Delaware; the third district to be composed of Gloucester City, and the townships of Centre, Haddon, Gloucester, Waterford and Winslow.

"7. *And be it enacted*, That the county of Burlington shall constitute four districts, the first district to be composed of the townships of Bordentown, Chesterfield, New Hanover, Mansfield and Springfield; the second district to be composed of the townships of Burlington, Beverly, Cinnaminson and Chester; the third district to be composed of the townships of Willingboro', Pemberton, North Hampton, West Hampton, Lumberton and Evesham; the fourth district to be composed of the townships of Medford, South Hampton, Shamong, Woodland, Washington, Randolph, Bass River and Egg Harbor.

"8. *And be it enacted*, That the county of Ocean shall constitute one assembly district, to be composed of the several townships therein.

"9. *And be it enacted*, That the county of Mercer shall constitute three districts, to remain as now composed.

"10. *And be it enacted*, That the county of Monmouth shall constitute three districts, the first to be composed of the townships of Upper Freehold, Millstone, Manalapan, Freehold and Howell; the second district to be composed of the townships of Holmdel, Marlboro, Atlantic, Wall and Ocean; the third district to be composed of the townships of Shrewsbury, Middletown, Matawan and Raritan.

"11. *And be it enacted*, That the county of Middlesex shall constitute three districts, to remain as now composed.

Recital con-
tinued.

"12. *And be it enacted*, That the county of Somerset shall constitute two districts, to remain as now composed.

"13. *And be it enacted*, That the county of Hunterdon shall constitute two districts, the first district to be composed of the townships of West Amwell, East Amwell, Lambertville, Delaware, Raritan, Readington and Kingwood; the second district to be composed of the townships and boroughs of Frenchtown, Alexandria, Bethlehem, Union, Franklin, Clinton borough, Clinton township, Lebanon and Tewksbury.

"14. *And be it enacted*, That the county of Union shall constitute three districts, the first district to be composed of the territory now comprising the first, second, third, fourth and eighth wards of the city of Elizabeth; the second district to be composed of the territory now comprising the fifth, sixth and seventh wards of the city of Elizabeth and the townships of Union, Springfield, Cranford and Linden; the third district to be composed of the territory now comprising the four wards of the city of Rahway and the townships of Plainfield, Westfield, Summit, New Providence and Clark.

"15. *And be it enacted*, That the county of Warren shall constitute two districts: the first district to be composed of the townships of Greenwich, Franklin, Lopatcong, Phillipsburg, Harmony, Washington and Washington borough; the second district to consist of the borough of Hackettstown and the townships of Belvidere, Oxford, Mansfield, Independence, Hope, Frelinghuysen, Hardwick, Pahaquarry, Blairstown and Knowlton.

"16. *And be it enacted*, That the county of Sussex shall constitute one assembly district, to be composed of the several townships therein.

"17. *And be it enacted*, That the county of Passaic shall constitute three districts: the first district to be composed of the township of Aquackanonk, the village of Passaic and fourth, fifth and eighth wards of the city of Paterson; the second district to be composed of the second, sixth and seventh wards of the city of Paterson and the township of Little Falls; the third district to be composed of the first and third wards of the city of Paterson, and the townships of Manchester, Wayne, Pompton and West Milford.

"18. *And be it enacted*, That the county of Bergen shall constitute two districts; the first district to be composed of

the townships of Ridgefield, New Barbadoes, Midland, Union, Lodi and Saddle River; the second district to be composed of the townships of Englewood, Palisades, Harrington, Washington, Hohokus and Franklin. <sup>Recital con-
tinued.</sup>

"19. *And be it enacted*, That the county of Morris shall constitute three districts: the first district to be composed of the townships of Chatham, Hanover, Montville and Morris; the second district to be composed of the townships of Boonton, Pequannock, Rockaway and Jefferson; the third district to be composed of the townships of Passaic, Mendham, Chester, Washington, Roxbury and Randolph.

"20. *And be it enacted*, That the county of Essex shall constitute nine districts to remain as now composed.

"21. *And be it enacted*, That the county of Hudson shall constitute eight districts, to be composed as follows:

"The First District: Beginning at the centre of the Hudson river, where it is intersected by the centre line of Wayne street continued; thence westerly along said centre line of Wayne street to the centre line of Railroad avenue; thence westerly along the centre line of Railroad avenue to the centre line of Newark avenue; thence along said centre line of Newark avenue westerly to the centre line of Barrow street; thence southerly along the centre line of Barrow street to the end thereof, at its junction with the centre line of Woolsey street; thence southerly along the centre line of Woolsey street and in continuation thereof to the southerly boundary of Jersey City; thence easterly along said southerly boundary to the centre of the Hudson river; thence northerly along the centre of the Hudson river to the place of beginning.

"The Second District: Beginning at the centre of the Hudson river, where it is intersected by the centre line of Wayne street continued; thence westerly along said centre line of Wayne street to the centre line of Railroad avenue; thence along the centre line of Railroad avenue westerly to the centre line of Prospect street; thence northerly along the centre line of Prospect street to the centre line of Pavonia avenue; thence westerly along the centre line of Pavonia avenue and along the centre line of Hamilton square, and continuing along the centre line of Pavonia avenue to the centre line of Brunswick street; thence southerly along the centre line of Brunswick street to the centre line of Newark

Recital con-
tinued.

avenue; thence easterly along the centre line of Newark avenue to the centre line of Monmouth street; thence southerly along the centre line of Monmouth street to the centre line of Putnam street; thence southerly along the centre line of Putnam street to the centre line of the Morris canal; thence westerly along the centre line of the Morris canal to the centre line of Communipaw avenue; thence westerly along the centre of Communipaw avenue to the centre line of Palisade avenue; thence northerly along the centre line of Palisade avenue to the centre line of Mill road, or Cornelison avenue; thence northerly along the centre line of Mill road, or Cornelison avenue, to the New Jersey railroad; thence northerly across the New Jersey railroad to the end of the centre line of Waldo avenue; thence northerly along the centre line of Waldo avenue to the centre line of Newark avenue; thence northwesterly along the centre line of Newark avenue to the centre line of Palisade avenue; thence northerly along the centre line of Palisade avenue to the centre line of St. Paul's avenue; thence easterly in continuation of the centre line of St. Paul's avenue to the centre line of Hoboken avenue; thence northeasterly along the centre line of Hoboken avenue to the boundary line of the city of Hoboken; thence along said boundary line to the centre line of the Hudson river; thence southerly along the centre line of Hudson river to the place of beginning.

“The Third District: Beginning at the intersection of the centre lines of Newark avenue and Prospect street; thence northerly along the centre line of Prospect street to the centre line of Pavonia avenue; thence westerly along the centre line of Pavonia avenue, the centre line of Hamilton square, and continuing along the centre line of Pavonia avenue to the centre line of Brunswick street; thence southerly along the centre line of Brunswick street to the centre line of Newark avenue; thence easterly along the centre line of Newark avenue to the centre line of Monmouth street; thence southerly along the centre line of Monmouth street to the centre line of Putnam street; thence southerly along the centre line of Putnam street to the centre line of Railroad avenue; thence easterly along the centre line of Railroad avenue to the centre line of Barrow street; thence northerly along the centre line of Barrow street to the centre line of Newark

avenue: thence easterly along the centre line of Newark Recital con-
avenue to the place of beginning. tinued.

“The Fourth District: Beginning at the point where the centre line of the New Jersey railroad intersects the westerly boundary of Jersey City, and running thence easterly along the said centre line of the New Jersey railroad to the centre line of Cottage place; thence easterly along the centre line of Cottage place to the centre line of Bergen avenue; thence northwesterly along the centre line of Bergen avenue to the centre line of St. Paul’s avenue; thence easterly along the centre line of St. Paul’s avenue and in continuation thereof to the centre line of Hoboken avenue; thence easterly along the centre line of Hoboken avenue to the boundary line of the city of Hoboken; thence northerly, westerly and southerly along the several boundary lines of the city of Jersey City to the place of beginning.

“The Fifth District: Beginning at the point where the centre line of the New Jersey railroad intersects the westerly boundary line of Jersey City; thence easterly along the centre line of the New Jersey railroad to the centre line of Cottage place; thence easterly along the centre line of Cottage place to the centre line of Bergen avenue; thence northwesterly along the centre line of Bergen avenue to the centre line of St. Paul’s avenue; thence easterly along the centre line of St. Paul’s avenue to the centre line of Palisade avenue; thence southerly along the centre line of Palisade avenue to the centre line of Newark avenue; thence easterly along the centre line of Newark avenue to the centre line of Waldo avenue; thence southerly along the centre line of Waldo avenue to the end thereof; thence southerly across the New Jersey railroad to the end of the centre line of Cornelison avenue or Mill road; thence southerly along the centre line of Cornelison avenue or Mill road to the centre line of Palisade avenue; thence southerly along the centre line of Palisade avenue to the centre line of Communipaw avenue; thence westerly along the centre line of Communipaw avenue to the centre line of the Newark and New York plank road; thence westerly along the centre line of said plank road to the westerly boundary line of Jersey City; thence northerly along said boundary line to the place of beginning.

“The Sixth District: Beginning at the point where the

Recital con-
tinued.

centre of the Newark and New York plank road intersects the westerly boundary line of Jersey City, running thence easterly along the centre line of the said plank road to the centre line of Communipaw avenue; thence easterly along the centre line of Communipaw avenue to the centre line of the Morris canal; thence easterly along the centre line of the Morris canal to the centre line of Putnam street; thence northerly along the centre line of Putnam street to the centre line of Railroad avenue; thence easterly along the centre line of Railroad avenue to the centre line of Barrow street; thence southerly along the centre line of Barrow street to the end thereof at its junction with the centre line of Woolsey street; thence southerly along the centre line of Woolsey street, and in continuation thereof, to the southerly boundary of Jersey City; thence westerly along said southerly boundary to the westerly boundary of said city; thence along the said westerly boundary to the place of beginning, and also so much of said county of Hudson as is comprised within the limits of the township of Greenville and city of Bayonne.

“The Seventh District: Being all that part of the county of Hudson which is comprised within the limits of the city of Hoboken.

“The Eighth District: Being all that part of the county of Hudson which is not comprised within the limits of any other said assembly districts,” be and the same is hereby amended so as to be and read as follows, to wit:

Amendment.
Number of
districts.

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 which said counties are entitled to elect respectively, that is to say: the county of Cape May shall constitute one assembly district, to be composed of the several townships therein, and the city of Cape May.

Atlantic.

2. *And be it enacted*, That the county of Atlantic shall constitute one assembly district, to be composed of the several towns, townships and cities therein.

Cumberland.

3. *And be it enacted*, That the county of Cumberland shall constitute two assembly districts, to remain as now composed.

4. *And be it enacted*, That the county of Salem shall Salem.
constitute two assembly districts, to remain as now composed.

5. *And be it enacted*, That the county of Gloucester shall Gloucester.
constitute two assembly districts, to remain as now composed.

6. *And be it enacted*, That the county of Camden shall Camden.
constitute three assembly districts, to be composed as follows :

First District: All that portion of the territory of the First district.
county of Camden contained within the limits of the first
ward, the second ward and the eighth ward of the city of
Camden, the borough of Merchantville, the township of
Stockton, the township of Delaware, the township of Haddon,
and all that portion of the territory of the township of Centre
comprised within the following limits, that is to say : begin-
ning in the Clement's bridge road at a stream known as Long
Meadow, and running thence in a northwesterly direction to
the northeast corner of Elwood Scargle's house ; thence in a
northwesterly direction to the White Horse turnpike at a
point known as Davis' road and Greenland school house ;
thence north down the middle of the said White Horse turn-
pike to the intersection of the Haddon township line ; thence
along the line between Haddon and Centre townships to the
Delaware township line ; thence along the line between the
townships of Delaware and Centre to the intersection of
Gloucester and Delaware township lines ; thence along the
centre of Clement's bridge road to the place of beginning,
shall constitute and be known as the first assembly district
of the county of Camden.

Second District: All that portion of the territory of the Second district.
county of Camden contained within the limits of the third
ward, the fourth ward, the fifth ward, the sixth ward and
the seventh ward of the city of Camden, shall constitute and
be known as the second assembly district of the county of
Camden.

Third District: All that portion of the territory of the Third district.
county of Camden which is not comprised within the limits
of the first and second assembly districts therein, as the same
are bounded and described in this act, shall constitute and
be known as the third assembly district of the county of
Camden.

7. *And be it enacted*, That the county of Burlington shall Burlington.
constitute four districts: the first district to be composed of First district.
the townships of Bordentown, Chesterfield, Florence, Mans-

- Second district. field, New Hanover and Springfield; the second district to be composed of the townships of Burlington, Beverly, Cinnaminson and Willingboro'; the third district to be composed of the townships of Evesham, Chester, Lumberton, Mount Laurel, North Hampton and Medford; the fourth district to be composed of the townships of Bass River, Little Egg Harbor, Pemberton, Randolph, South Hampton, Shamong, Washington, Woodland and West Hampton.
- Ocean. 8. *And be it enacted*, That the county of Ocean shall constitute one assembly district, to be composed of the several townships therein.
- Mercer. 9. *And be it enacted*, That the county of Mercer shall constitute three districts: the first district to be composed of the townships of Hopewell, Princeton, Lawrence, Ewing and the seventh ward of the city of Trenton; the second assembly district to be composed of the first, second, third, fourth, fifth and sixth wards of the city of Trenton; the third assembly district to be composed of the townships of East Windsor, West Windsor, Washington, Hamilton and the borough of Chambersburg.
- Monmouth. 10. *And be it enacted*, That the county of Monmouth shall constitute three assembly districts, to be composed as follows: the first to be composed of the townships of Upper Freehold, Millstone, Manalapan, Freehold and Howell; the second district to be composed of the townships of Marlboro, Atlantic, Wall, Ocean and Eatontown; the third district to be composed of the townships of Shrewsbury, Middletown, Matawan, Raritan and Holmdel.
- Middlesex. 11. *And be it enacted*, That the county of Middlesex shall constitute three assembly districts, to remain as now composed.
- Somerset. 12. *And be it enacted*, That the county of Somerset shall constitute two assembly districts, to remain as now composed.
- Hunterdon. 13. *And be it enacted*, That the county of Hunterdon shall constitute two assembly districts, to remain as now composed.
- Union. 14. *And be it enacted*, That the county of Union shall constitute three assembly districts, to remain as now composed.
- Warren. 15. *And be it enacted*, That the county of Warren shall constitute two assembly districts, to remain as now composed.
- Sussex. 16. *And be it enacted*, That the county of Sussex shall constitute one assembly district, to be composed of the several townships therein.

17. *And be it enacted*, That the county of Passaic shall constitute three districts: All that part of said county, beginning at the point of intersection of the centre line of Main and Market streets in the city of Paterson, running thence (1) northeasterly and easterly along the centre line of Market street to the centre line of Willis street; thence (2) easterly along the centre line of Willis street to the centre of Madison avenue; thence (3) southwesterly along the centre line of Madison avenue to the centre line of Railway avenue; thence (4) southerly along the centre line of Railway avenue to the centre line of Crooks avenue; thence (5) easterly along the centre line of Crooks avenue to the centre line of the Passaic river; thence (6) southerly along the centre line of Passaic river the several courses thereof to the division line between Passaic and Essex counties; thence (7) northwesterly along said division line between the counties of Passaic and Essex to the division line between the townships of Acquackanonk and Little Falls in the county of Passaic; thence (8) northeasterly along said division line between the townships of Little Falls and Acquackanonk to the division line between the city of Paterson and the township of Little Falls; thence (9) northwesterly along said division line between the township of Little Falls and the city of Paterson to the centre line of West Ninth street in the city of Paterson; thence (10) northeasterly along the centre line of West Ninth street to the centre line of Grand street; thence (11) northeasterly along the centre line of Grand street to the centre line of Main street, and thence (12) northerly and northeasterly along the centre line of Main street to the place of beginning, shall constitute the first district.

All that part of said county, beginning at the point of intersection of the centre line of the Passaic river, Main and North Main streets, in the city of Paterson, running thence (1) southerly and southeasterly along the centre line of Main street to the centre line of Grand street; thence (2) westerly along the centre line of Grand street to the centre line of West Ninth street; thence (3) southwesterly along the centre line of West Ninth street to the division line between the city of Paterson and the township of Little Falls; thence (4) southeasterly along said division line between the city of Paterson and the township of Little Falls to the division line

between the townships of Little Falls and Acquackanonk; thence (5) southerly along said division line between the townships of Little Falls and Acquackanonk to the division line between the counties of Passaic and Essex; thence (6) northwesterly along said division line between the counties of Passaic and Essex to the division line between the townships of Wayne and Little Falls, in the county of Passaic, thence (7) northeasterly, easterly and northeasterly along the division line between the townships of Little Falls and Wayne and Manchester to division line between the city of Paterson and the townships of Little Falls and Manchester; thence (8) northwesterly and northeasterly along the division line between the city of Paterson and the township of Manchester to the centre line of Marion street, in the city of Paterson; thence (9) southeasterly along the centre line of Marion street and Marion street extended to the centre line of the Passaic river; thence (10) northeasterly along the centre line of the Passaic river, the several courses thereof, to the place of beginning, shall constitute the second district.

Third district.

All that part of said county beginning at the point of intersection of the centre line of the Passaic river, Main and North Main streets, in the city of Paterson; running thence (1) southerly along the centre line of Main street to the centre line of Market street; thence (2) northeasterly and easterly along the centre line of Market street to the centre line of Willis street; thence (3) easterly along the centre line of Willis street to the centre line of Madison avenue; thence (4) southwesterly along the centre line of Madison avenue to the centre line of Railway avenue; thence (5) southerly along the centre line of Railway avenue to the centre line of Crooks avenue; thence (6) easterly along the centre line of Crooks avenue to the centre line of the Passaic river and the division line between the counties of Passaic and Bergen; thence (7) northerly, northwesterly and northeasterly along the division line between the counties of Passaic and Bergen to the division line between the states of New Jersey and New York; thence (8) northwesterly along the division line between the states of New Jersey and New York to the division line between the counties of Passaic and Sussex, in the state of New Jersey; thence (9) southwesterly along said division line between the counties of Passaic and Sussex to the division line between the counties

of Passaic and Morris; thence (10) southeasterly along the division line between the counties of Passaic and Morris to the division line between the counties of Passaic and Essex; thence (11) southwesterly along the division line between the counties of Passaic and Essex to the division line between the townships of Wayne and Little Falls, in the county of Passaic; thence (12) northeasterly, easterly and northeasterly along the division line between the townships of Little Falls and Wayne and Manchester to the division line between the city of Paterson and the townships of Little Falls and Manchester; thence (13) northwesterly and northeasterly along the division line between the city of Paterson and the township of Manchester to the centre line of Marion street, in the city of Paterson; thence (14) southeasterly along the centre line of Marion street and Marion street extended to the centre line of the Passaic river; thence (15) northeasterly along the centre line of the Passaic river the several courses thereof to the place of beginning, shall constitute the third district.

18. *And be it enacted*, That the county of Bergen shall Bergen. constitute two assembly districts, to remain as now composed.

19. *And be it enacted*, That the county of Morris shall Morris. constitute three assembly districts; the first district to be First district. composed of the townships of Chatham, Passaic, Morris, Mendham and Chester; the second district to be composed Second district. of the townships of Rockaway, Boonton, Pequannock, Montville and Hanover; the third district to be composed of the Third district. townships of Washington, Mount Olive, Roxbury, Randolph and Jefferson.

20. *And be it enacted*, That the county of Essex shall Essex. constitute nine assembly districts, to be composed as follows:

First District: Beginning at the centre of the Passaic First district. river in the centre line of Centre street produced; thence westerly along said centre line to the westerly terminus of Centre street; thence northerly along the centre line of Park place to the centre line of Broad street; thence southerly along the centre line of Broad street to the centre line of Cedar street; thence westerly along said centre line to the centre line of Halsey street; thence northerly along the centre line of said street to the centre line of Warren street; thence westerly along said centre line to the centre

line of High street; thence northerly along the centre line of High street to the centre line of Seventh avenue; thence westerly along the centre line of Seventh avenue to the centre line of Mount Prospect avenue; thence northerly along the centre line of Mount Prospect avenue to the centre line of Sixth avenue; thence westerly along the centre line of Sixth avenue to the centre line of the Morris canal; thence northerly along said centre line to the centre line of First avenue; thence westerly along said centre line to the westerly boundary line of the city of Newark; thence northerly along said boundary line to the southerly boundary of Belleville township; thence easterly along said line to the centre line of the Passaic river; thence southerly along the centre of said river to the place of beginning.

Second district. Second District: Beginning at a point formed by the intersection of the centre lines of Broad and Fair streets; thence easterly along the centre line of Fair street to the centre line of Mulberry street; thence southerly along the centre line of Mulberry street to the centre line of Oak street; thence easterly along the centre line of Oak street to the centre line of Liberty street; thence northerly along the centre line of Liberty street to the centre line of East Fair street; thence easterly along the centre line of East Fair street to the centre line of New Jersey Railroad avenue; thence southerly along the centre line of said avenue to the centre line of Elm street; thence easterly along the centre line of Elm street to the centre line of Adams street; thence northerly along the centre line of Adams street to the centre line of Market street; thence still northerly along the centre line of an alley, nearly at right angles to the centre line of Market street, to the centre of the Passaic river; thence westerly along the centre line of the Passaic river to its intersection with the centre line of Centre street produced; thence westerly along the centre line of said street to the centre line of Park place; thence northerly along the centre line of Park place to the centre line of Broad street; thence southerly along the centre line of Broad to the place of beginning.

Third district. Third District: Beginning at a point formed by the intersection of the centre lines of High street and Bank street; thence westerly along the centre line of Bank street to the centre line of Littleton avenue; thence southerly along the

centre line of Littleton avenue to the centre line of South Orange avenue; thence easterly along the centre line of said avenue to the centre line of Bergen street; thence southerly along the centre line of Bergen street to the centre line of Springfield avenue; thence easterly along the centre line of said avenue to the centre line of Morris avenue; thence southerly along the centre line of Morris avenue to the centre line of West Kinney street; thence easterly along the centre line of West Kinney street to the centre line of Lillie street; thence southerly along the centre line of Lillie street to the centre line of Spruce street; thence easterly along the centre line of Spruce street to the centre line of High street; thence northerly along the centre line of High street to the place of beginning.

Fourth District: Beginning at a point formed by the Fourth district. intersection of the centre lines of Broad and Cedar streets; thence westerly along the centre line of Cedar street to the centre line of Halsey street; thence northerly along the centre line of Halsey street to the centre line of Warren street; thence westerly along the centre line of Warren street to High street; thence northerly along the centre line of High street to the centre line of Central avenue; thence westerly along the centre line of Central avenue to the centre line of Norfolk street; thence southerly along the centre line of Norfolk street to the centre line of Bank street; thence easterly along the centre line of Bank street to the centre line of High street; thence southerly along the centre line of High street to the centre line of William street; thence easterly along the centre line of William street to the centre line of Broad street; thence northerly along the centre line of Broad street to the centre line of Cedar street and place of beginning.

Fifth District: Beginning at the intersection of the cen- Fifth district. tre lines of Broad and William streets; thence westerly along the centre line of William street to the centre line of High street; thence southerly along the centre line of High street to the centre line of Spruce street; thence westerly along the centre line of Spruce street to the centre line of Lillie street; thence northerly along the centre line of Lillie street to the centre line of West Kinney street; thence westerly along the centre line of West Kinney street to the centre line of Morris avenue; thence easterly along the cen-

tre line of Morris avenue to the centre line of Springfield avenue; thence westerly along the centre line of Springfield avenue to the centre line of Bergen street; thence northerly along the centre line of Bergen street to the centre line of South Orange avenue; thence westerly along the centre line of said avenue to the westerly boundary of the city of Newark; thence southerly, easterly, southerly and easterly along the several courses of said boundary line until the same intersects the centre line of New Jersey Railroad avenue; thence northerly along the centre line of said avenue to the centre line of East Fair street; thence westerly along the centre line of East Fair street to the centre line of Liberty street; thence southerly along the centre line of Liberty street to the centre line of Oak street; thence westerly along the centre line of Oak street to the centre line of Mulberry street; thence northerly along the centre line of Mulberry street to the centre line of Fair street; thence westerly along the centre line of Fair street to the centre line of Broad street; thence southerly along the centre line of Broad street to the centre line of William street and place of beginning.

Sixth district

Sixth District: Beginning at a point formed by the intersection of the centre line of New Jersey Railroad avenue and Elm street, thence easterly along the centre line of Elm street to the centre line of Adams street; thence northerly along the centre line of Adams street to the centre line of Market street; thence still northerly along the centre line of an alley, nearly at right angles to the centre line of Market street, to the centre line of the Passaic river; thence easterly and southerly along its several courses to the Newark bay; thence still southerly along the boundary line of the city of Newark to the centre line of Bound creek; thence westerly along the centre line of Bound creek, the southerly boundary of said city, to the centre line of New Jersey Railroad avenue; thence northerly along the centre line of said avenue to the centre line of Elm street, and place of beginning.

Seventh district

Seventh District: Beginning at a point formed by the intersection of the centre line of South Orange avenue and the westerly boundary line of said city; thence easterly along the centre line of South Orange avenue to the centre line of Littleton avenue; thence northerly along the centre line of said avenue to the centre line of Bank street; thence east-

erly along the centre line of Bank street to the centre line of Norfolk street; thence northerly along the centre line of Norfolk street to the centre line of Central avenue; thence easterly along the centre line of Central avenue to the centre line of High street; thence northerly along the centre line of High street to the centre line of Seventh avenue; thence westerly along the centre line of said avenue to the centre line of Mount Prospect avenue; thence northerly along the centre line of Mount Prospect avenue to the centre line of Sixth avenue; thence westerly along the centre line of Sixth avenue to the centre line of the Morris canal; thence northerly along the centre line of said canal to the centre line of First avenue; thence westerly along the centre line of First avenue to the westerly boundary line of the city of Newark; thence southerly along said boundary line to the centre of South Orange avenue and place of beginning.

Eighth District: Shall consist of the townships of Belleville, Bloomfield, Caldwell, East Orange, Montclair and Franklin. Eighth district.

Ninth District: Shall consist of the townships of Clinton, Livingston, Milburn, South Orange, West Orange and the city of Orange. Ninth district.

21. *And be it enacted*, That the county of Hudson shall constitute eight assembly districts, to be composed as follows: Hudson.

The First District: Beginning at the centre of the Hudson river, where it is intersected by the centre line of Steuben street; continued thence westerly along the said centre line of Steuben street to the centre line of Henderson street (formerly Prospect street); thence southerly along said centre line of Henderson street to the centre line of Newark avenue; thence along said centre line of Newark avenue westerly to the centre line of Barrow street; thence southerly along the centre line of Barrow street to the end thereof at its junction with the centre line of Woolsey street (now Barrow street); thence southerly along the centre line of Woolsey street (now Barrow street), and in continuation thereof, to the southerly boundary of Jersey City as it now exists; thence easterly along said southerly boundary to the centre of the Hudson river; thence northerly along the centre of the Hudson river to the place of beginning. First district.

The Second District: Beginning at the centre of the Hudson river, where it is intersected by the centre line of Seventh Second district.

street (formerly South Second street); continued thence westerly along the centre line of Seventh street to the centre line of Grove street; thence southerly along the centre line of Grove street to the centre line of Sixth street (formerly South Third street); thence westerly along the centre line of Sixth street to the centre line of Coles street; thence northerly along the centre line of Coles street to the centre line of Seventh street; thence westerly along the centre line of Seventh street to the centre of Brunswick street; thence northerly along the centre line of Brunswick street to a continuation of the centre line of St. Paul's avenue, in an easterly direction; thence westerly along the said continuation of the centre line of St. Paul's avenue to the centre line of Hoboken avenue; thence northeasterly along the centre line of Hoboken avenue to the boundary line of the city of Hoboken; thence easterly along the said boundary line of the city of Hoboken to the centre of the Hudson river; thence southerly along the centre of the Hudson river to the place of beginning.

Third district. The Third District: Beginning at the intersection of the centre lines of Newark avenue and Henderson street (formerly Prospect street); thence northerly along the centre line of Henderson street to the centre line of Steuben street; thence easterly along the centre line of Steuben street to the centre line of the Hudson river; thence northerly along the centre line of the Hudson river to the centre line of Seventh street (formerly South Second street) produced; thence westerly along the centre line of Seventh street to the centre line of Brunswick street; thence southerly along the centre line of Brunswick street to the centre line of Railroad avenue; thence easterly along the centre line of Railroad avenue to the centre line of Barrow street; thence northerly along the centre line of Barrow street to the centre line of Newark avenue; thence easterly along the centre line of Newark avenue to the place of beginning.

Fourth district. The Fourth District: Beginning at the point where the centre line of the New Jersey railroad intersects the westerly boundary of Jersey City, as it now exists, and running thence easterly along the said centre line of the New Jersey railroad to the centre line of Cottage place; thence easterly along the centre line of Cottage place to the centre line of Summit avenue (formerly Bergen avenue); thence

northerly along the centre line of Summit avenue to the centre line of St. Paul's avenue; thence easterly along the centre line of St. Paul's avenue and in continuation thereof easterly to the centre line of Hoboken avenue; thence easterly along the centre line of Hoboken avenue to the boundary line of the city of Hoboken; thence northerly, westerly and southerly along the several boundary lines of the city of Jersey City, as they now exist, to the place of beginning.

The Fifth District: Beginning at a point where the ^{Fifth district.} centre line of the New Jersey railroad intersects the westerly boundary line of Jersey City, as it now exists; thence easterly along the centre line of the New Jersey railroad to the centre line of Cottage place; thence easterly along the centre line of Cottage place to the centre line of Summit avenue (formerly Bergen avenue); thence northerly along the centre line of Summit avenue to the centre line of St. Paul's avenue; thence easterly along the centre line of St. Paul's avenue, and a continuation of said centre line easterly across Palisade and Hoboken avenues to the centre line of Brunswick street; thence southerly along the centre line of Brunswick street to the centre line of Railroad avenue; thence westerly along the centre line of Railroad avenue to the centre line of Prior street (or its continuation); thence southerly along the centre line of Prior street to the centre line of Grand street; thence southerly along the centre line of Grand street to the centre line of Fairmount avenue (formerly Hudson avenue); thence northwesterly along the centre line of Fairmount avenue to the centre line of Cornelison avenue or Mill road; thence southerly along the centre line of Cornelison avenue or Mill road to the centre line of Summit avenue (formerly Palisade avenue); thence southerly along the centre line of Summit avenue to the centre line of Communipaw avenue; thence westerly along the centre line of Communipaw avenue to the centre line of the Newark and New York plank road, now called Communipaw avenue; thence westerly along the centre line of Communipaw avenue (formerly the Newark and New York plank road) to the westerly boundary line of Jersey City, as it now exists; thence northerly along said boundary line to the place of beginning.

The Sixth District: Being all that part of said county ^{Sixth district.}

of Hudson which is comprised within the limits of the city of Bayonne, and all that part of Jersey City, as it now exists, which is not comprised within the limits of either the first, second, third, fourth or fifth assembly districts of Hudson county, as said five assembly districts are bounded and described in this act.

Seventh district. The Seventh District: Being all that part of the county of Hudson which is comprised within the limits of the city of Hoboken.

Eighth district. The Eighth District: Being all that part of the county of Hudson which is not comprised within the limits of any other of said assembly districts.

Approved April 3, 1878.

CHAPTER CLXXIX.

A Further Act concerning juries, approved March twenty-seventh, eighteen hundred and seventy-four.

Challenges allowed defendant.

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

Challenges by prosecutor.

2. *And be it enacted*, That upon the trial of any indictment the attorney general or prosecutor of the pleas of the state shall be entitled to challenge peremptorily at any time before the jurors are sworn six of the panel of jurors summoned and returned for the trial thereof.

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

Approved April 4, 1878.

CHAPTER CLXXX.

A Supplement to an act entitled "An act to reapportion the several assembly districts of the state of New Jersey," approved March twenty-second, one thousand eight hundred and seventy-one.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section six (6) of "An act to reapportion the several assembly districts of the state of New Jersey," approved March twenty-second, one thousand eight hundred and seventy-one, which reads as follows, to wit :

"6. *And be it enacted*, That the county of Camden shall constitute three districts: the first district to be composed of the first, second, third and fourth wards of the city of Camden; the second district to be composed of the fifth, sixth, seventh and eighth wards of the city of Camden, and the townships of Stockton and Delaware; the third district to be composed of Gloucester city and the townships of Centre, Haddon, Gloucester, Waterford and Winslow," be and the same is hereby amended so as to read as follows, to wit :

6. *And be it enacted*, That the county of Camden shall constitute three (3) assembly districts, to be composed as follows :

First District: All that portion of the territory of the county of Camden contained within the limits of the first ward, the second ward and the eighth ward of the city of Camden, the borough of Merchantville, the township of Stockton, the township of Delaware, the township of Haddon, and all that portion of the territory of the township of Centre comprised within the following limits, that is to say : beginning in the Clement's bridge road, at a stream known as Long Meadow, and running thence in a northwesterly direction to the northeast corner of Elwood Scargle's house; thence in a northwesterly direction to the White Horse turnpike at a point known as Davis' road and Greenland school

house; thence north down the middle of the said White Horse turnpike to the intersection of the Haddon township line; thence along the line between Haddon and Centre townships to the Delaware township line; thence along the line between the townships of Delaware and Centre to the intersection of Gloucester and Delaware township lines; thence along the centre of Clement's bridge road to the place of beginning, shall constitute and be known as the first assembly district of the county of Camden.

Second district. Second District: All that portion of the territory of the county of Camden contained within the limits of the third ward, the fourth ward, the fifth ward, the sixth ward and the seventh ward of the city of Camden, shall constitute and be known as the second assembly district of the county of Camden.

Third district. Third District: All that portion of the territory of the county of Camden which is not comprised within the limits of the first and second assembly districts therein, as the same are bounded and described in this act, shall constitute and be known as the third assembly district of the county of Camden.

Polling places. 2. *And be it enacted*, That the polling place of that portion of the territory of the township of Centre contained within the first assembly district as constituted by this act, shall be at Snow Hill school house, in said township; and the polling place of that portion of the territory of the township of Centre contained within the third assembly district as constituted by this act, shall be at the school house or town hall, at Mount Ephraim, in said township.

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

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

Approved April 4, 1878.

CHAPTER CLXXXI.

An Act to amend an act entitled "An act to reapportion the several assembly districts of the state of New Jersey," approved March twenty-second, eighteen hundred and seventy-one.

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

" 17. *And be it enacted*, That the county of Passaic shall constitute three districts ; the first district to be composed of the township of Acquackanonk, the village of Passaic and the fourth, fifth and eighth wards of the city of Paterson ; the second district to be composed of the second, sixth and seventh wards of the city of Paterson and the township of Little Falls ; the third district to be composed of the first and third wards of the city of Paterson and the townships of Manchester, Wayne, Pompton and West Milford," be and the same is hereby amended so as to read as follows :

17. *And be it enacted*, That the county of Passaic shall constitute three districts :

All that part of said county, beginning at the point of intersection of the centre line of Main and Market streets in the city of Paterson, running thence (1) northeasterly and easterly along the centre line of Market street to the centre line of Willis street ; thence (2) easterly along the centre line of Willis street to the centre line of Madison avenue ; thence (3) southwesterly along the centre line of Madison avenue to the centre line of Railway avenue ; thence (4) southerly along the centre line of Railway avenue to the centre line of Crooks avenue ; thence (5) easterly along the centre line of Crooks avenue to the centre line of the Passaic river ; thence (6) southerly along the centre line of the Passaic river the several courses thereof to the division line between Passaic and Essex counties ; thence (7) northwesterly along said division line between the counties of Passaic

Recital of section to be amended.

Amendment. Passaic.

First district.

and Essex to the division line between the townships of Acquackanonk and Little Falls, in the county of Passaic; thence (8) northeasterly along said division line between the townships of Little Falls and Acquackanonk to the division line between the city of Paterson and the township of Little Falls; thence (9) northwesterly along said division line between the township of Little Falls and the city of Paterson to the centre line of West Ninth street, in the city of Paterson; thence (10) northeasterly along the centre line of West Ninth street to the centre line of Grand street; thence (11) northeasterly along the centre line of Grand street to the centre line of Main street, and thence (12) northerly and northeasterly along the centre line of Main street to the place of beginning, shall constitute the first district.

Second district. All that part of said county, beginning at the point of intersection of the centre line of the Passaic river, Main and North Main streets in the city of Paterson, running thence (1) southerly and southeasterly along the centre line of Main street to the centre line of Grand street; thence (2) westerly along the centre line of Grand street to the centre line of West Ninth street; thence (3) southwesterly along the centre line of West Ninth street to the division line between the city of Paterson and the township of Little Falls; thence (4) southeasterly along said division line between the city of Paterson and the township of Little Falls to the division line between the townships of Little Falls and Acquackanonk; thence (5) southerly along said division line between the townships of Little Falls and Acquackanonk to the division line between the counties of Passaic and Essex; thence (6) northwesterly along said division line between the counties of Passaic and Essex to the division line between the townships of Wayne and Little Falls in the county of Passaic; thence (7) northeasterly, easterly and northeasterly along the division line between the townships of Little Falls and Wayne and Manchester to division line between the city of Paterson and the townships of Little Falls and Manchester; thence (8) northwesterly and northeasterly along the division line between the city of Paterson and the township of Manchester to the centre line of Marion street in the city of Paterson; thence (9) southeasterly along the centre line of Marion street and Marion street extended to the centre line of the Passaic river;

thence (10) northeasterly along the centre line of the Passaic river, the several courses thereof to the place of beginning, shall constitute the second district.

All that part of said county, beginning at the point of intersection of the centre line of the Passaic river, Main and North Main streets in the city of Paterson; running thence (1) southerly along the centre line of Main street to the centre line of Market street; thence (2) northeasterly and easterly along the centre line of Market street to the centre line of Willis street; thence (3) easterly along the centre line of Willis street to the centre line of Madison avenue; thence (4) southwesterly along the centre line of Madison avenue to the centre line of Railway avenue; thence (5) southerly along the centre line of Railway avenue to the centre line of Crooks avenue; thence (6) easterly along the centre line of Crooks avenue to the centre line of the Passaic river and the division line between the counties of Passaic and Bergen; thence (7) northerly, northwesterly and northeasterly along the division line between the counties of Passaic and Bergen to the division line between the states of New Jersey and New York; thence (8) northwesterly along the division line between the states of New Jersey and New York to the division line between the counties of Passaic and Sussex, in the state of New Jersey; thence (9) southwesterly along said division line between the counties of Passaic and Sussex to the division line between the counties of Passaic and Morris; thence (10) southeasterly along the division line between the counties of Passaic and Morris to the division line between the counties of Passaic and Essex; thence (11) southwesterly along the division line between the counties of Passaic and Essex to the division line between the townships of Wayne and Little Falls in the county of Passaic; thence (12) northeasterly, easterly and northeasterly along the division line between the townships of Little Falls and Wayne and Manchester to the division line between the city of Paterson and the townships of Little Falls and Manchester; thence (13) northwesterly and northeasterly along the division line between the city of Paterson and the township of Manchester to the centre line of Marion street in the city of Paterson; thence (14) southeasterly along the centre line of Marion street and Marion street extended to the centre line of the Passaic river; thence

(15) northeasterly along the centre line of the Passaic river, the several courses thereof, to the place of beginning, shall constitute the third district.

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 that this act shall take effect immediately.

Approved April 4, 1878.

CHAPTER CLXXXII.

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

Chancellor may order a reference to any master in chancery.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the chancellor may refer to any master in chancery, who shall be a counsellor-at-law of at least five years standing, any cause or other matter which, at any time, may be pending in the court of chancery, to hear the same for the chancellor, and to report thereon to him, and advise what order or decree should be made therein.

Master may take and hear evidence of witnesses orally.

2. *And be it enacted*, That when any cause or matter shall be so referred to a master, it shall be lawful for him to take and hear the evidence of any or all witnesses in said cause or matter orally in the same manner as the evidence is now taken and heard in courts of law in this state on trials before a jury; and if a report of the evidence, so taken before him, shall become necessary in the progress of said cause or matter, for use on appeal from the decree of the chancellor therein or otherwise, then such master shall settle and sign such report.

May employ stenographic reporter.

3. *And be it enacted*, That it shall be lawful for such master, when any cause or matter is so referred to him, to employ a competent stenographic reporter to take down the evidence of such witnesses as may be examined before him, for the use of the court and parties in such cause or matter, and to fix, allow and tax the fees and compensation of such reporter for taking down and writing out such evidence, and

to apportion the same between the parties in the same manner as the fees of examiners are apportioned, and each party shall forthwith pay the part so apportioned to him, which shall be part of the taxable costs in the cause.

4. *And be it enacted*, That it shall be lawful for the chancellor, by rule of court, to fix and determine to what masters the references provided for by this act shall be made, and to remove and change the same at his pleasure, and to fix the compensation to be paid to such masters for their services, which compensation shall be proportionate, as near as may be to the actual value of such services, and shall be paid them from the state treasury on the certificate of the chancellor, and the chancellor may make all such general rules for the effectual execution of this act as he shall deem necessary and proper.

Chancellor to provide by rule to what masters references shall be made.

5. *And be it enacted*, That the chancellor may make such general rules as he shall deem necessary and proper to provide for, expedite and regulate the taking and production of evidence in the court of chancery in any cause or matter pending therein.

General rules.

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

Approved April 4, 1878.

CHAPTER CLXXXIII.

An Act to incorporate boards of trade or chambers of commerce.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for any number of persons, exceeding five, to associate together as a board of trade or chamber of commerce, for the encouragement of trade and commerce and the development of the material interests of the commonwealth, and for the diffusion of information concerning trade, commerce and manufactures, or other kindred objects; and for the better forwarding

Number that may form association.

of any of such purposes to purchase, hire or erect any buildings or portion of a building in this state for the use of such association.

Certificate of association to be filed in office of county clerk.

2. *And be it enacted*, That such persons so associated, or any six of them, shall make, sign and acknowledge a certificate setting forth the corporate name by them chosen, the place where, and the purposes for which such association is formed and intended, the capital stock and shares, if any, into which it is divided, and the name, residence and number of shares of each stockholder, and file the same in the office of the clerk of the county where such association is to be established and carried on, who shall thereupon record it in the book of records of certificates of incorporation.

To have corporate powers.

3. *And be it enacted*, That upon making and recording such certificate the said persons, their associates, successors and assigns, shall become and be a body politic and corporate, and possessed of all the powers mentioned and set forth in the first section of the act entitled "An act concerning corporations," (revision), approved April seventh, eighteen hundred and seventy-five.

May unite with other associations.

4. *And be it enacted*, That any such association may unite or co-operate with any other kindred association incorporated under the laws of this state, or of any other state, or of the United States, in accomplishing the objects mentioned in the first section of this act.

General powers

5. *And be it enacted*, That such association may establish such rules and by-laws for their government as to them shall seem proper, provided that nothing therein be repugnant to the constitution or laws of the United States or of this state; and may choose such officers, establish and regulate such admission fees, annual dues, assessments, and other charges against members, as the said by-laws may prescribe.

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

Approved April 4, 1878.

CHAPTER CLXXXIV.

An Act for the protection of game and game fish.

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, no person or persons non-residents of this state, shall kill, destroy, hunt or take any doe, buck, fawn or any sort of deer whatsoever, or shall kill, destroy, hunt or take any partridge, moor fowl, ruffed grouse, quail, woodcock, Willson or gray snipe, reed bird, rail bird or rabbit, at any time, or shall catch any speckled brook trout, or speckled river trout, black bass or salmon, at any time in this state, without complying with the by-laws of the game protective societies, organized or to be organized under the laws of this state, the person so offending shall forfeit and pay the sum of fifty dollars for each and every offence, and may be proceeded against in any county of this state wherein such person or persons may be arrested, or wherein such offence shall have been committed, and in default of the payment of the forfeit money, with costs of prosecution, any person or persons so offending shall lie in the common jail until the same shall be paid, one-half of the forfeit money shall be for the benefit of the person prosecuting for the same, and the remainder paid to the collector of the township wherein the conviction may be had, and all acts and parts of acts inconsistent with this act, are hereby repealed; *provided*, that nothing in this act shall prevent residents of this state from taking game or fish, subject to the existing laws of this state.

Penalty for hunting, taking catching, &c., any game or game fish without complying with the by-laws of the game protective societies, &c.

Proviso.

2. *And be it enacted*, That any member of any society for the protection of game and fish, organized under the laws of this state, shall be empowered to make arrests of any person or persons who may be found violating any of the provisions of this act, or infringing any of the laws of this state made for the protection of game and fish, and bring him or them before a magistrate for examination.

Members of society authorized to make arrest.

County clerks to
keep record of
members and
issue certificate.

3. *And be it enacted*, That the county clerks of the several counties of this state be, and they are hereby directed to keep in their respective offices a record of the members of any game and fish protective societies organized under the laws of this state, and shall upon the payment of twenty-five cents furnish to said members as aforesaid, a certificate under his seal certifying to said membership.

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

Approved April 4, 1878.

CHAPTER CLXXXV.

An Act relative to townships raising money for township purposes.

Increase upon
valuation of
taxable property
authorized.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That where the amount of money to be raised for township purposes in any township of this state is fixed by special statute at one-fifth of one per cent. upon the valuation of the taxable property of the township, it shall be lawful for the said township committee, or a majority of them, and they are hereby authorized to increase the amount so as not to exceed in any one year two-fifths of one per cent.

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

Approved April 4, 1878.

CHAPTER CLXXXVI.

An Act in relation to road taxes payable to macadamized road companies.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That any macadamized road company in this state incorporated by special act of the legislature, and which by such special act of incorporation, or by any supplement thereto, is authorized to receive the road taxes assessed upon the owners of property adjacent to the road of such company, may sue for such taxes in an action of debt, in any court of competent jurisdiction, if such taxes be not paid to such company within thirty days after the same are due and payable according to law; *provided*, that if any property adjacent to such road shall also adjoin a common highway, the road tax assessed upon such property shall be divided on his books, by the assessor of the township, into two sums, proportioned to the lineal feet of frontage of such property on each of such roads respectively, and said sums shall be credited accordingly to such township and to such company respectively, and shall be paid according to such assessment.

When road company may sue for road taxes assessed.

Proviso.

2. *And be it enacted*, That when road taxes are paid to such company, as is herein provided, such company shall give duplicate receipts therefor, one of which shall be filed with the township collector of the township, and such receipt or receipts shall be as valid as the receipt of the township collector for taxes assessed and collected in such township.

Duplicate receipts to be given for road taxes paid.

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

Approved April 4, 1878.

CHAPTER CLXXXVIII.

An Act to authorize the appointment of port wardens in certain cities of this state.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the governor may nominate and by and with the consent of the senate, appoint one port warden for each county of this state, in which there is a town or city of more than ten thousand inhabitants, situate on any bay, harbor or navigable stream in this state, who shall each hold his office for the term of five years, and thence until his successor is appointed.
2. *And be it enacted*, That it shall be the duty of each of the said wardens to keep in such books as may be necessary, a full, true and complete account and record of all his acts, proceedings, surveys and reports, and such books shall be open to the inspection of any person interested therein; and said wardens shall each have full power and authority to administer oaths, examine witnesses, and take affidavits concerning the business of said office; and all wilful false swearing under such oaths shall be deemed perjury, and punished accordingly; and the said wardens shall each keep an office in the county in and for which he is appointed, which shall be kept open during business hours (Sundays and holidays excepted); and they shall each have the exclusive right to perform all the duties of port warden for the county in and for which he is appointed as specified in this act.
3. *And be it enacted*, That it shall be the duty of said warden, on being notified and requested by any of the parties in interest, to proceed in person on board of any vessel for the purpose of examining the condition and stowage of cargo, and if there be any goods damaged on board said vessel, he shall inquire, examine and ascertain the cause or causes of such damage, and make a memorandum thereof, and enter the same in full upon the books of his office; and if after the arrival of any vessel at any place in this state,
- Appointment of port wardens.
- Term of office.
- Wardens to keep record of all acts and proceedings.
- May examine witnesses, &c.
- Office to be kept in county for which warden is appointed.
- Warden required to proceed in person for the purpose of examining and ascertaining cause of damage.

the hatches shall be opened first by any person other than the warden of the county in which such place is situate, and the cargo, or any part thereof, shall come from on shipboard in a damaged condition, the facts shall be presumptive evidence, that such damage occurred in consequence of improper stowage or negligence on the part of the persons in charge of the vessel, and such default shall be chargeable to the owner, consignee, master or other persons in interest, (as part owner or master of said vessel), each and all of whom shall be primarily liable for such damage; and the said warden shall be the exclusive surveyor of any vessel which may have suffered wreck or damage, or which shall be deemed unfit to proceed to sea, and shall examine the condition of the hull, spars, sails, rigging and all appurtenances thereof, and he shall call to his aid one or more carpenters, sailmakers, riggers, shipwrights, or other persons skilled in his profession, to aid him in his examination and survey; *provided, however,* such person shall not be interested therein; and all parties so called shall be sworn, and shall each be allowed a fee of two dollars, to be paid by the parties requiring said examination; the said warden shall specify what damage has occurred, and record in the books of his office a full and particular account of all surveys held on said vessel; he shall also be the judge of the repairs necessary to render said vessel again seaworthy, or for the safety of said vessel and cargo on her intended voyage; he shall also have exclusive cognizance of all matters relative to the surveys of vessels and their cargoes, arriving at any place in his county in distress, or damaged while at such place; and he shall be the judge of its fitness to be reshipped to its port of destination, or whether it shall be sold for the benefit of whom it may concern; he shall also, if called upon to do so, estimate the value or measurement of any vessel, when the same is in dispute or libeled, and record the same in the books of his office.

4. *And be it enacted,* That it shall be the duty of the said warden, on being notified and requested so to do by any of the parties in interest, to proceed in person to any warehouse, store or dwelling, or in the public streets, or on the wharf, and examine any merchandise, vessels' materials, or other property said to have been damaged on board of any vessel, and inquire, examine and ascertain the cause or

Damage through default, to whom chargeable.

Warden to be the exclusive surveyor.

Proviso.

May examine goods said to have been damaged on board vessel, in any warehouse, store or dwelling.

causes or such damage, and make a memorandum thereof, and of such property, and record in the books of his office a full and complete statement thereof; and it shall be the duty of said warden, when so requested, to furnish a certificate of any record in the books of his office to any parties interested therein, upon paying to said warden the regular fee for said certificate; all certificates issued shall be under the seal of said warden, and shall be duly signed by him, and said certificate shall be evidence of the existence and contents of such record in any court of this state; in all cases of inquiries, examinations and surveys relating to vessels and cargoes on board thereof, as specified in this act, the said warden shall give notice to all persons interested in or having charge of the subject matter of such inquiry, examination or survey, by advertising in at least two of the newspapers issued daily in the county where such proceedings may be had, or such other papers as the said warden may deem necessary, of the pendency of such inquiry, examination and survey, and of the time and place of completing the same; the expense thereof shall be added to and paid with the fee for making such inquiry, examination or survey.

5. *And be it enacted*, That it shall be the duty of said warden to attend personally all sales of vessels when condemned, vessels' materials, and goods in a damaged state, which shall be sold at public auction by reason of such damage, for the benefit of the owners or underwriters, or for account of whom it may concern; and it shall be the duty of auctioneers making such sales to give due notice thereof to the said warden, and all such sales shall be made by auctioneers under the direction and by order of said warden, for which service he shall be entitled to receive a commission of one per centum on the gross amount of sales thereof, to be paid to said warden on demand, by the auctioneer making such sale; and it shall be the duty of auctioneers to make monthly statements to said warden of his county, specifying the total amount of each day's sales, made by them under this act, which statement shall be filed in the office of said warden; and said warden, when required by the owner or consignee thereof, shall certify the cause of such damage, the amount of such sales and the charges on the same, all of which shall be recorded in the books of said office, and said

Notice to be given by advertisement in all cases of inquiry, &c.

Warden to attend sales of vessels when condemned, &c.

Notice of sales to be given to warden.

Commission to be allowed auctioneer.

Warden to certify cause of damage, amount of sales, &c., when required.

warden shall be allowed for each and every survey held on board of any vessel, on hatches, stowage of cargo, or damaged goods, or at any warehouse, store or dwelling, or in the public street, or on the wharf, within the limits of said county, on goods said to be damaged, the sum of two dollars, and for each and every certificate given in consequence thereof the sum of one dollar, and for each and every survey on the hulls, sails, spars or rigging of any vessel damaged on arriving at any place in his county, in distress, the sum of five dollars; for each and every certificate given in consequence thereof, the sum of two dollars and fifty cents, and for each valuation or measurement of any vessel the sum of ten dollars.

Fees for survey.

Fees for certificate.

6. *And be it enacted*, That it shall be unlawful for any person or persons, except the warden appointed under this act, to assume to act as port warden, or to undertake the performance of any of the duties prescribed in this act or pertaining to the said office; and it shall be unlawful for any person or persons to employ any other person than the legally appointed warden for the performance of such duties; and it shall be also unlawful for any person or persons to issue certificates of surveys on vessels, vessels' materials or goods damaged, with the intent to defeat or defraud the provisions of this act; and any person or persons violating the provisions of this act shall be deemed guilty of a misdemeanor, and shall forfeit and pay to the warden of the county in which such violation shall occur a penalty of one hundred dollars for each offence committed; and the said warden of such county, or his successor in office, may, under his proper name and title, sue for and recover, in any court of this state having cognizance thereof, his legal fees or the penalty of this act for any violation of the rights or duties of said warden; but nothing in this act contained shall be deemed or taken to repeal any special act or supplement to the charter of any city of this state providing for the appointment of a port warden by the mayor or council of any such city.

Unlawful for any person except the warden appointed to assume to act.

Penalty.

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

Approved April 5, 1878.

CHAPTER CLXXXIX.

An Act to provide for a supply of water at the New Jersey state prison.

Board of inspectors to procure estimates of cost of well.

Proviso.

Cost of work, how paid.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That if in the opinion of the governor of this state it shall be deemed advisable for the purpose of furnishing a supply of pure and wholesome water to the New Jersey state prison, to sink an artesian well at the state prison; the board of inspectors of the state prison shall have power to procure estimates of the cost of said well, and to execute the work; *provided*, that the estimates and contracts therefor shall first be approved by the governor.

2. *And be it enacted*, That the cost of the execution of said work shall be paid by the treasurer of the state, on the warrant of the comptroller, out of any moneys not otherwise appropriated, and that this act shall take effect immediately.

Approved April 5, 1878.

CHAPTER CXC.

A Supplement to an act entitled "An act for the relief of the national guard," approved March seventh, eighteen hundred and seventy-eight.

Who entitled to benefit.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That every man who actually performed service as a private or non-commissioned officer in the national guard of this state in the emergency existing

in this state during the months of July and August, eighteen hundred and seventy-seven, shall be entitled to the benefits of the act to which this is a supplement.

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

Approved April 5, 1878.

CHAPTER CXCI.

An Act in relation to assessments in townships and to provide for the payment of judgments recovered on contracts for improvements.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever the cost and expenses of grading, flagging or paving any street or section of a street, in any township or polling district therein, in this state, shall not have been assessed under and pursuant of the act or acts of the legislature of this state authorizing such grading, flagging or paving to be done, and an assessment of the cost and expense thereof to be made, it shall be the duty of the township committee of any such township, or a majority of them, or the township committee of any such township in which such polling district may be, or a majority of them, immediately after the passage of this act, to ascertain the whole amount of the cost and expense of any such improvement, and proceed to make an assessment thereof; and in making said assessment the said township committee, or a majority of them, shall assess upon all the tracts or lots of land and real estate benefited by such improvement such proportion of such costs and expenses as will be equal to the amount of the benefits actually acquired by said lands and real estate from such improvement, proportioned equitably to the benefit each of such tracts or lots shall be deemed to acquire; and the balance of such costs and expenses, if any remain unassessed, shall be a debt upon and paid by such township; and said township committee of

Township committee to ascertain cost and expense of improvement and make assessment.

Assessment to be made on all tracts, &c., benefited.

Balance, if any, to be paid by township.

said township is hereby authorized to raise by tax, in the same manner and at the same or any other time that other taxes in said township are raised, money sufficient to pay any such balance.

Township committee to take and subscribe oath.

2. *And be it enacted*, That the said township committee before they commence to make any assessment contemplated by this act, shall take and subscribe an oath or affirmation, before the clerk of said township, to make the said assessment fairly and impartially according to the best of their skill and judgment.

Report of assessment to be made in writing.

3. *And be it enacted*, That the said township committee, or a majority of them, shall make a report by a certificate in writing of the assessment so made, and before proceeding to sign the same shall give an opportunity to the parties interested to examine the same, and shall give notice by advertisement or otherwise to the parties interested at what time and place in said township the said report may be examined by them; and also of the time and place when and where the parties interested can be heard by the said township committee, or a majority of them; and after hearing the parties the said township committee, or a majority of them, shall proceed to complete said report, making such alterations as they deem proper, and shall then sign the same, and deliver said report to the collector of said township.

Assessments to be a lien.

4. *And be it enacted*, That the assessment authorized and directed by this act 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.

Collection of assessments.

5. *And be it enacted*, That the collector of said township shall, as soon as the said report is delivered to him, proceed to collect the assessments named in said report, and shall give notice by advertisement or otherwise (if by advertisement then to be in two newspapers printed and published in the county wherein such township is situated, which last named notice shall be published for two weeks at least once each week successively), stating in general terms the street or section of street 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 three months from the first publication or giving of such notice.

6. *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 three months from the time appointed in said notice, the said 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 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, issued 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.

Proceedings in case of non-payment of assessment.

7. *And be it enacted*, That in all cases where any person or persons may have heretofore recovered or may hereafter recover any judgment in any court of record of this state against any municipal corporation for work done or materials furnished under any contract for the improvement of any street or highway situate within the corporate limits or boundaries of such municipal corporation, or for money due on bonds issued in payment for such work or materials, or for interest due thereon, it shall be the duty of the township committee or other body having charge of the finances of such municipal corporation or their successors by whatever name they may be called, to order a sufficient sum to be raised by taxation to pay and satisfy such judgment or judgments, which sum or sums so ordered to be raised shall be assessed, levied and collected in the same manner and at the same time that other taxes in such municipality are assessed and collected; *provided*, that this act shall not

Township committee authorized to raise by taxation a sufficient sum to satisfy any judgment against municipal corporation.

Proviso.

Proviso.

apply to any township the charter of which provides a method of assessing the costs and expenses of grading, flagging or paving any street or section thereof in said township; *provided, however*, that the provisions of this act shall not apply to any township or polling district in any county of this state which had less than seventy-five thousand inhabitants by the last state census.

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

Approved April 5, 1878.

CHAPTER CXCII.

A Supplement to an act entitled "An act to reapportion the several assembly districts of the state of New Jersey," approved March twenty-second, one thousand eight hundred and seventy-one.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section twenty (20) of "An act to reapportion the several assembly districts of the state of New Jersey," approved March twenty-second, eighteen hundred and seventy-one, which reads as follows:

Recital of section to be amended.

"20. *And be it enacted*, That the county of Essex shall constitute nine districts, to remain as now composed," be and the same is hereby amended so as to read as follows:

Amendment.
Essex.

20. *And be it enacted*, That the county of Essex shall constitute nine assembly districts, to be composed as follows:

First district.

First District: Beginning at the centre of the Passaic river in the centre line of Centre street produced; thence westerly along said centre line to the westerly terminus of Centre street; thence northerly along the centre line of Park place to the centre line of Broad street; thence southerly along the centre line of Broad street to the centre line of Cedar street; thence westerly along said centre line to the centre line of Halsey street; thence northerly along the centre line of said street to the centre line of Warren street;

thence westerly along said centre line to the centre line of High street; thence northerly along the centre line of High street to the centre line of Seventh avenue; thence westerly along the centre line of Seventh avenue to the centre line of Mount Prospect avenue; thence northerly along the centre line of Mount Prospect avenue to the centre line of Sixth avenue; thence westerly along the centre line of Sixth avenue to the centre line of the Morris canal; thence northerly along said centre line to the centre line of First avenue; thence westerly along said centre line to the westerly boundary line of the city of Newark; thence northerly along said boundary line to the southerly boundary of Belleville township; thence easterly along said line to the centre line of the Passaic river; thence southerly along the centre of said river to the place of beginning.

Second District: Beginning at a point formed by the inter-^{Second district.} section of the centre lines of Broad and Fair streets; thence easterly along the centre line of Fair street to the centre line of Mulberry street; thence southerly along the centre line of Mulberry street to the centre line of Oak street; thence easterly along the centre line of Oak street to the centre line of Liberty street; thence northerly along the centre line of Liberty street to the centre line of East Fair street; thence easterly along the centre line of East Fair street to the centre line of New Jersey Railroad avenue; thence southerly along the centre line of said avenue to the centre line of Elm street; thence easterly along the centre line of Elm street to the centre line of Adams street; thence northerly along the centre line of Adams street to the centre line of Market street; thence still northerly along the centre line of an alley, nearly at right angles to the centre line of Market street to the centre of the Passaic river; thence westerly along the centre line of the Passaic river to its intersection with the centre line of Centre street produced; thence westerly along the centre line of said street to the centre line of Park place; thence northerly along the centre line of Park place to the centre line of Broad street; thence southerly along the centre line of Broad street to the place of beginning.

Third District: Beginning at a point formed by the inter-^{Third district.} section of the centre lines of High street and Bank; thence westerly along the centre line of Bank street to the centre

line of Littleton avenue; thence southerly along the centre line of Littleton avenue to the centre line of South Orange avenue; thence easterly along the centre line of said avenue to the centre line of Bergen street; thence southerly along the centre line of Bergen street to the centre line of Springfield avenue; thence easterly along the centre line of said avenue to the centre line of Morris avenue; thence southerly along the centre line of Morris avenue to the centre line of West Kinney street; thence easterly along the centre line of West Kinney street to the centre line of Lillie street; thence southerly along the centre line of Lillie street to the centre line of Spruce street; thence easterly along the centre line of Spruce street to the centre line of High street; thence northerly along the centre line of High street to the place of beginning.

Fourth district. Fourth District: Beginning at a point formed by the intersection of the centre lines of Broad and Cedar streets; thence westerly along the centre line of Cedar street to the centre line of Halsey street; thence northerly along the centre line of Halsey street to the centre line of Warren street; thence westerly along the centre line of Warren street to High street; thence northerly along the centre line of High street to the centre line of Central avenue; thence westerly along the centre line of Central avenue to the centre line of Norfolk street; thence southerly along the centre line of Norfolk street to the centre line of Bank street; thence easterly along the centre line of Bank street to the centre line of High street; thence southerly along the centre line of High street to the centre line of William street; thence easterly along the centre line of William street to the centre line of Broad street; thence northerly along the centre line of Broad street to the centre line of Cedar street and place of beginning.

Fifth district. Fifth District: Beginning at the intersection of the centre lines of Broad and William streets; thence westerly along the centre line of William street to the centre line of High street; thence southerly along the centre line of High street to the centre line of Spruce street; thence westerly along the centre line of Spruce street to the centre line of Lillie street; thence northerly along the centre line of Lillie street to the centre line of West Kinney street; thence westerly along the centre line of West Kinney street to the centre line of Morris avenue; thence easterly along the centre line

of Morris avenue to the centre line of Springfield avenue; thence westerly along the centre line of Springfield avenue to the centre line of Bergen street; thence northerly along the centre line of Bergen street to the centre line of South Orange avenue; thence westerly along the centre line of said avenue to the westerly boundary of the city of Newark; thence southerly, easterly, southerly and easterly along the several courses of said boundary line until the same intersects the centre line of New Jersey Railroad avenue; thence northerly along the centre line of said avenue to the centre line of East Fair street; thence westerly along the centre line of East Fair street to the centre line of Liberty street; thence southerly along the centre line of Liberty street to the centre line of Oak street; thence westerly along the centre line of Oak street to the centre line of Mulberry street; thence northerly along the centre line of Mulberry street to the centre line of Fair street; thence westerly along the centre line of Fair street to the centre line of Broad street; thence southerly along the centre line of Broad street to the centre line of William street and place of beginning.

Sixth District: Beginning at a point formed by the intersection of the centre line of New Jersey Railroad avenue and Elm street, thence easterly along the centre line of Elm street to the centre line of Adams street; thence northerly along the centre line of Adams street to the centre line of Market street; thence still northerly along the centre line of an alley, nearly at right angles to the centre line of Market street, to the centre line of the Passaic river; thence easterly and southerly along its several courses to the Newark bay; thence still southerly along the boundary line of the city of Newark to the centre line of Bound creek; thence westerly along the centre line of Bound creek, the southerly boundary of said city, to the centre line of New Jersey Railroad avenue; thence northerly along the centre line of said avenue to the centre line of Elm street and place of beginning.

Seventh District: Beginning at a point formed by the intersection of the centre line of South Orange avenue and the westerly boundary line of said city, thence easterly along the centre line of South Orange avenue to the centre line of Littleton avenue; thence northerly along the centre line of said avenue to the centre line of Bank street; thence

easterly along the centre line of Bank street to the centre line of Norfolk street; thence northerly along the centre line of Norfolk street to the centre line of Central avenue; thence easterly along the centre line of Central avenue to the centre line of High street; thence northerly along the centre line of High street to the centre line of Seventh avenue; thence westerly along the centre line of said avenue to the centre line of Mount Prospect avenue; thence northerly along the centre line of Mount Prospect avenue to the centre line of Sixth avenue; thence westerly along the centre line of Sixth avenue to the centre line of the Morris canal; thence northerly along the centre line of said canal to the centre line of First avenue; thence westerly along the centre line of First avenue to the westerly boundary line of the city of Newark; thence southerly along said boundary line to the centre of South Orange avenue and place of beginning.

Eighth District. Eighth District: Shall consist of the townships of Belleville, Bloomfield, Caldwell, East Orange, Montclair and Franklin.

Ninth district. Ninth District: Shall consist of the townships of Clinton, Livingston, Milburn, South Orange, West Orange and the city of Orange.

Approved April 5, 1878.

CHAPTER CXCIH.

A Supplement to an act entitled "An act to make taxes a lien upon real estate and authorize sales for the payment of the same, approved March seventeenth, eighteen hundred and fifty-four."

City treasurer
may purchase
at sales for
taxes, subject to
redemption.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That at any sale of lands, tenements, hereditaments and real estate hereafter made by virtue of the said act entitled "An act to make taxes a lien upon real estate and to authorize sales for the payment of

the same, approved March seventeenth, eighteen hundred and fifty-four," and the supplements thereto, if there shall be no purchaser or purchasers for said lands, tenements, hereditaments and real estate, or any part thereof, then it shall and may be lawful for the treasurer of the city or of the township committee of the township where said lands, tenements, hereditaments and real estate may be assessed, to purchase the same for the benefit of said city or township, subject to the same redemption as is now provided by law; and the certificate of such treasurer stating the payment of the amount now required by law to be paid upon the redemption of any lands, tenements, hereditaments and real estate sold by virtue of said act and the supplements thereto, and showing what lands, tenements, hereditaments and real estate such payment is intended to redeem, shall be evidence of such redemption.

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

Approved April 5, 1878.

CHAPTER CXCIV.

A Further Act concerning cities.

1. BE IT ENACTED *by the Senate and General Assembly* <sup>Election of
aldermen.</sup> *of the State of New Jersey*, That the common council of any city of less than seven thousand inhabitants and more than forty-five hundred and divided into three wards, which may now by law consist of nine members elected annually, elected three from each ward, shall hereafter consist of nine members elected three from each ward, in manner as follows; and at the next annual city election therein held after the passage of this act there shall be elected three aldermen in each ward to constitute such common council; the members so elected from each ward shall be electors, freeholders and residents of their respective wards, and shall at the first meeting of said common council after their election divide themselves into

Term of office.	three classes by lot, the first class to hold their offices for the term of one year, the second class to hold their offices for the term of two years, and the third class to hold their offices for the term of three years; and at each and every annual [election] thereafter there shall be elected in each ward one
Proviso.	alderman for the term of three years; <i>provided, however,</i> that no such alderman shall be entitled to any compensation for his services.
Time of opening and closing polls.	2. <i>And be it enacted,</i> That at all annual and special elections held in any such city, the polls shall open at seven o'clock in the morning and shall close at seven o'clock in the evening.
Repealer.	3. <i>And be it enacted,</i> That all acts or parts of acts and all and any provisions contained in the charter or the supplements thereto of any such city inconsistent with the provisions of this act be and the same are hereby repealed. Approved April 5, 1878.

CHAPTER CXCIV.

An Act to prevent trespasses on railroad cars or trains.

Preamble.	WHEREAS, it has become a common practice with many persons, not passengers, of jumping on and off railroad cars or trains on their approach, during their stay, or on their leaving railroad stations or depots, to the annoyance and discomfort as well as actual danger of passengers either on or for such trains; therefore,
Penalty for trespassing upon railroad car or train.	1. BE IT ENACTED <i>by the Senate and General Assembly of the State of New Jersey,</i> That if any person, not being a passenger or employee, shall be found trespassing upon any railroad car or train of any railroad in this state by jumping on or off any car or train on their arrival, stay or departure at or from any station or depot of such railroad, or on the passage of any such cars or train over any part of any such railroad, such person so offending shall be deemed guilty of a misdemeanor, and on conviction thereof shall be

punished by a fine not exceeding twenty-five dollars, or by an imprisonment in the county jail not exceeding thirty days, or both.

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

Approved April 5, 1878.

CHAPTER CXCVI.

An Act concerning cities containing more than two assembly districts where all the assembly districts within any such city are completely and exclusively within the limits of such city and embrace no territory outside of such city, and providing for conformity between the lines of wards and assembly districts in such city.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in any city of this state which now or hereafter shall contain more than two assembly districts within any such city, which assembly districts are completely and exclusively within the limits of such city and embrace no territory outside of such city, it shall be the duty of the mayor and common council or other municipal board corresponding thereto and such mayor and common council or municipal board of every such city are hereby directed by resolution to divide such city into wards corresponding in number and boundaries to such assembly districts exclusively embraced as aforesaid within the limits of such city.

City to be divided into wards corresponding in boundaries to assembly districts.

2. *And be it enacted*, That such division of such city into wards as provided for in the first section of this act, shall be made on or before the first day of May in each year whenever any change of the assembly districts in such city shall make it necessary to take the action directed in the first section of this act, so as to establish an exact conformity between the ward lines and the assembly district lines within such city.

Time when division is to be made.

- Other wards not to exist.** 3. *And be it enacted*, That whenever under the terms of this act ward lines are changed as aforesaid in any such city, no other wards shall exist or be in any way recognized therein.
- Terms of office not affected.** 4. *And be it enacted*, That nothing within this act contained shall be so construed as to affect the terms of office of any person elected from any ward as existing prior to such change directed by this act, but the terms of office of all such persons shall continue until the expiration of the time for which they were elected and no longer.
- Municipal boards, of whom to consist.** 5. *And be it enacted*, That the common council or other municipal board corresponding thereto, and also all other municipal boards, the members of which are elected in wards, in any such city, shall thereafter consist of those persons holding over for their elected term or terms, and those thereafter elected from the wards as changed by authority of this act; *provided, however*, that after the expiration of the terms of office of those holding over as aforesaid such common council, or other municipal boards, shall consist of those elected from the wards as changed under the authority of this act.
- Proviso.**
- Repealer.** 6. *And be it enacted*, That all acts and parts of acts, general, public, local or special, inconsistent with this act, be and the same are hereby repealed.
7. *And be it enacted*, That this act shall take effect immediately.
- Approved April 5, 1878.

CHAPTER CXCVII.

An Act to increase the efficiency of the department of public instruction.

- Preamble.** WHEREAS, The assistance now furnished the superintendent of public instruction is insufficient to perform the increased clerical work of the department; therefore,
- Employment of assistants authorized.** 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the superintendent of pub-

lic instruction is hereby authorized, by and with the approval of the governor of this state, to employ assistants as may be necessary in his department; *provided*, that the annual cost thereof shall not exceed the sum of one thousand dollars. Proviso.

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

Approved April 5, 1878.

CHAPTER CXCVIII.

An Act to secure uniformity in the time of holding annual elections in the different wards of the towns of this state.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever, in the formation of a new ward in any of the towns of this state, the time for holding the annual election in such ward shall have been fixed on a day other than the day of holding such election in the other wards of such town, that the time for holding such election in such new ward shall be and hereby is changed to the same time and day on which the annual election is held in the other wards of said town; *provided, however*, that the provisions of this act shall not apply to counties having more than forty thousand inhabitants nor less than twenty-five thousand inhabitants. Time for holding elections in wards. Proviso.

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

Approved April 5, 1878.

CHAPTER CXCIX.

A Further Supplement to an act entitled "An act respecting the clerk in chancery and the clerk of the supreme court," approved April seventeenth, eighteen hundred and forty-six.

Clerk of supreme court authorized to appoint a deputy clerk.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That from and after the passage of this act, it shall be lawful for the clerk of the supreme court of this state to appoint a deputy in his office, who shall be commissioned by the governor to be deputy clerk of the supreme court; and said deputy clerk shall hold his office during the pleasure of the clerk of the supreme court making the appointment, but in no case to extend beyond the term for which the said clerk of the supreme court is commissioned, and the said deputy clerk shall be required to take and subscribe an oath of like form and character as required to be made by the clerk of the supreme court, and shall give bond to the state in the sum of two thousand five hundred dollars, with like conditions and to be approved in like manner as is required by the first section of the act to which this is a supplement; and the deputy clerk of the supreme court shall, during the absence or inability through sickness or other cause of the clerk of the supreme court, have the same powers and perform all the duties which are now imposed by law upon the clerk of the supreme court.

Deputy to give bond.

Salary not to be paid by state.

2. *And be it enacted*, That nothing in this act shall be construed to authorize the payment of the salary of said deputy clerk from the treasury of the state.

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

Approved April 5, 1878.

CHAPTER CC.

An Act affecting the government of cities in this state as to certain of their internal affairs.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the municipal board in any city to whom is committed the management of police matters, shall have power, whenever the public interests require it to be done, to lease station houses in said city for a period not exceeding five years; *provided* the mayor of said city and the board having control of the finances of such city, shall approve of the terms of such lease.

Power to lease station houses.

Proviso.

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

Approved April 5, 1878.

CHAPTER CCI.

An Act concerning the number of lay judges of the inferior court of common pleas in the several counties of this state.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That hereafter the number of lay judges of the inferior court of common pleas shall consist of two in those counties having a law judge, and of three in all other counties; *provided*, this act shall not apply to counties having a population of more than fifty thousand inhabitants according to the last census.

Number of lay judges in counties.

Proviso.

Approved April 5, 1878.

CHAPTER CCII.

An Act in relation to the payment of assessments for local improvements.

- Assessments may be paid in bonds of authorities directing improvements.
1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all persons or corporations interested in lands upon which have been or may be imposed assessments for local improvements, may make payment of such assessments in such bonds of the corporate authorities under whose direction such improvements have been or may be ordered to be made.
- Bonds shall be received in lieu of money.
Proviso.
2. *And be it enacted*, That such bonds shall be received in lieu of money payments for such assessments at the par or face value, with the interest accrued thereon; *provided*, said corporate authorities shall not be required to adjust any difference between said assessments and the bonds tendered in payment in cash.
- Bonds so used to be cancelled.
Proviso.
3. *And be it enacted*, That any bonds so used in payment of assessments shall be immediately cancelled and discharged by the corporate authorities, to whom they shall be delivered in payment as aforesaid, in the same manner as if they had been paid in money; *provided, however*, that if there are commissioners of a sinking fund in any municipal corporation, to which bonds may be paid in discharge of assessments as provided for by this act, said bonds shall be delivered to said commissioners, who may, at their option, either cancel and discharge said bonds, or retain and hold them against such corporation in the sinking fund thereof, for the benefit of such sinking fund.
- Act, when to take effect.
4. *And be it enacted*, That in municipal corporations in which there are commissioners of the sinking fund, this act shall not take effect until the commissioners of the sinking fund in such corporation shall, by resolution, determine to accept the same.
5. *And be it enacted*, That this act shall take effect immediately.
- Approved April 5, 1878.

CHAPTER CCIII.

An Act for the protection of dairymen, and to prevent deception in sales of butter.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That every person or corporation who shall manufacture for sale, or who shall offer or expose for sale, any article or substance in semblance of butter, not the legitimate product of the dairy, and not made exclusively of milk or cream, but into which the oil or fat of animals, not produced from milk, enters as a component part, or into which melted butter or any oil thereof has been introduced to take the place of cream, shall distinctly and durably stamp, brand or mark upon the top or side of every tub, firkin, box or package of such article or substance the word "oleomargarine," and in case of retail sale of such article or substance in parcels, the seller shall in all cases deliver therewith to the purchaser a written or printed label bearing the plainly written or printed word oleomargarine, in conspicuous English letters; and every sale of such article or substance not so stamped, branded, marked or labelled, is declared to be unlawful, and no action shall be maintained in any of the courts of this state to recover upon any contract for the sale of such article or substance not so stamped, branded, marked or labelled.

2. *And be it enacted*, That every person who shall knowingly sell or offer to sell, or have in his or her possession with intent to sell, contrary to the provisions of this act, any of the said article or substance required by the first section of this act to be stamped, marked or labelled, as therein stated, not so stamped, marked or labelled, or in case of retail sale without delivery of a label required by section one of this act, shall for each and every such offence, forfeit and pay a fine of one hundred dollars, to be recovered with costs in any of the courts of this state having cognizance thereof, in an action to be prosecuted in the name of the state, by the

Tub, firkin, box or package containing any substance in semblance of butter, manufactured or exposed for sale, to be labelled "oleomargarine."

Seller to furnish buyer with printed label.

Penalty for violating the provisions of this act.

prosecutor of the pleas of any county; and one-half of such recovery shall be paid to the informer and the residue shall be applied to the support of the poor in the county where such recovery is had.

Penalty for selling or exposing for sale without brand or label

3. *And be it enacted*, That every person who shall sell, or offer or expose for sale, or who shall cause or procure to be sold, or offered or exposed for sale, any article or substance required by the first section of this act to be marked, branded, stamped or labelled, not so marked, branded, stamped or labelled, shall be guilty of a misdemeanor, and on trial for such misdemeanor proof of the sale or offer or exposure alleged, shall be presumptive evidence of knowledge of the character of the article so sold or offered, and that the same was not marked, branded, stamped or labelled as required by this act.

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

Approved April 5, 1878.

CHAPTER CCIV.

An Act to prevent and punish the bribery of, and attempt to bribe delegates to political conventions.

Penalty for bribery or offering to bribe delegates.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That if any person shall directly or indirectly give, offer or promise to give any sum or sums of money or other valuable thing, or procure, confer or give any valuable thing in action, victuals, drink or preferment or other consideration, by way of fee, reward, gift or gratuity, or other valuable present or reward to obtain, procure or influence the opinion, behavior, vote or abstaining from voting of any delegate to any convention of any political party of this state, to nominate any candidate or candidates for member of the legislature of this state, for member of congress of the United States, for electors for president and vice president of the United States, for gov-

ernor of this state, or for any candidate for any office in any county, city, town, township or borough in this state, and if any person being a delegate to any political convention to nominate candidates for any of the offices named in the first section of this act, shall directly or indirectly ask for, accept, receive or take any sum or sums of money or other valuable consideration, by way of fee, reward, gift or gratuity, or other valuable consideration, or the promise of giving or refusing to give his vote at any such convention, such person shall be deemed and taken to be guilty of a high misdemeanor, and on conviction thereof shall be punished by a fine or imprisonment, or both, at the discretion of the court, said fine not to exceed one thousand dollars, nor such imprisonment one year, and such person so convicted shall also be disqualified to hold any office of honor, trust or profit under this state.

2. *And be it enacted*, That all acts or parts of acts ^{Repealer.} 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 5, 1878.

CHAPTER CCV.

A Supplement to an act entitled "An act relative to the appointment of collectors of taxes in incorporated cities and towns," approved April twenty-first, eighteen hundred and seventy-six.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the first section of the act above mentioned, and which is in these words:

"That the common council in each of the incorporated cities and towns of this state containing, according to the United States census of eighteen hundred and seventy, not more than six thousand population, which are or may be ^{Recital of section to be altered.}

Proviso. divided into wards, may appoint one collector of taxes for each ward; *provided*, that this act shall not apply to any incorporated city or town in which the collectors are elected by the voters thereof," shall be and hereby is altered so that the said section shall read and be as follows:

Alteration. That the common council in each of the incorporated cities and towns of this state containing, according to the United States census of eighteen hundred and seventy, not more than six thousand population, which are or may be

Appointment of collector of taxes.

Proviso.

divided into wards, may appoint one collector of taxes for such incorporated city or town; *provided*, that this act shall not apply to any incorporated city or town in which the collectors are elected by the voters thereof.

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

Approved April 5, 1878.

CHAPTER CCVI.

An Act to provide for the better protection of the fishing interests of this state.

Providing for additional fish wardens.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That when, in the opinion of the commissioners of fisheries of this state, it shall be necessary for the better protection of the fishing interests for any county to have more than one fish warden, the governor shall have power to appoint one additional warden for such county, who shall be subject to the same provisions of law as are the other fish wardens of the state; and when any such appointments are made, it shall be the duty of the commissioners of fisheries to assign to each the portion of the county in which his duties shall be performed.

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

Approved April 5, 1878.

CHAPTER CCVII.

A Supplement to "An act respecting county physicians," approved April twenty-first, eighteen hundred and seventy-six.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That when the board of chosen freeholders of any county in this state shall have appointed a county physician, under the provisions of the act to which this is a supplement, no coroner in such county shall be entitled to receive any fees for viewing the body of any deceased person, unless such view shall have been made upon the written order of the county physician of such county, pursuant to the provisions of said act; and said written order shall be attached to the bill of such coroner, for such service, before such bill shall be audited or paid; *provided*, that if the county physician's presence cannot be obtained within six hours after the discovery of the death of any such deceased person, the coroner may proceed as if this act had not passed.

Coroner not to receive fees for view unless made upon written order of county physician.

Proviso.

2. *And be it enacted*, That this act shall apply only to coroners hereafter elected.

Act to apply.

Approved April 5, 1878.

CHAPTER CCVIII.

A Supplement to the act entitled "An act relative to the court of errors and appeals," (revision), approved March twenty-seventh, eighteen hundred and seventy-four.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in case of an appeal from any order or decree of the chancellor, such judges of the

Judges of court of errors, appointed for that purpose, may make orders,

&c., during vacation.

court of errors and appeals, being justices of the supreme court, as may be appointed for that purpose by the said court of errors and appeals, (not exceeding three), may, in vacation, by order signed by them upon good cause shown, continue in its original force and effect any injunction or order of the chancellor which may have been dissolved or vacated, or modified by him, and may also stay all the proceedings in the original suit until the next succeeding term of the court of errors and appeals, and may also make all necessary orders in the premises.

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

Approved April 5, 1878.

CHAPTER CCIX.

Supplement to an act to secure to mechanics and others payment for their labor and materials in erecting any building, (revision) approved March twenty-seventh, one thousand eight hundred and seventy-four.

Preamble.

WHEREAS, by an act entitled "An act to amend an act entitled 'An act to secure to mechanics and others payment for their labor and materials in erecting any building,'" approved March ninth, one thousand eight hundred and seventy-seven, it was, among other things, enacted by the senate and general assembly of the state of New Jersey "that every person intending to claim a lien upon any building or lands by virtue of this act shall within one year after the labor is performed or the materials furnished for which such lien is claimed, file his claim in the office of the clerk in the county where such building is situate," which claim shall contain this matter among others:

"IV. In claims hereafter filed a true statement of the time of the commencement of the building for which said lien

is claimed, the statement of which shall be conclusive as against the claimant."

And whereas, by a supplement to an act entitled "An act to secure to mechanics and others payment for their labor and materials in erecting any building," approved April first, eighteen hundred and seventy-eight, the aforesaid section four relating to the statement of the time of the commencement of the building was repealed; therefore,

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all lien claims heretofore filed in this state, without containing the matter so set out in section four aforesaid, relating to the statement of the time of the commencement of the building, be and the same are hereby made valid, legal and effectual to the extent that said lien claims would have been valid, legal and effectual if the same had contained the said matter so set out in section four aforesaid, relating to the statement of the time of the commencement of the building as aforesaid.

Lien claims heretofore filed made legal and valid.

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

Approved April 5, 1878.

CHAPTER CCX.

An Act to regulate and prevent extravagance in the use of school books in cities.

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, in cities of this state having a board designated by law a "Board of Directors of Education," who have the control and management of the public schools therein, such board or its successor shall not designate for use or permit to be used in any of the grammar or primary schools any text book or books, excepting books already contracted for, which have not been on the list of books designated for use in such schools for two years immediately preceding, unless

List of text books designated for use in public schools, in certain cities, not to be changed oftener than once in three years.

at least two-thirds of the principals of such schools shall by petition in writing, by them signed, and giving good and sufficient reasons therefor, request a change or alteration in the aforesaid list as it shall remain after the passage of this act; and when a list of books shall be designated for use in said schools in accordance with such act, the same shall not be again changed oftener than once in every three years thereafter, except by petition as aforesaid.

Repealer.

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

Approved April 5, 1878.

CHAPTER CCXI.

An Act concerning cities having a population of over one hundred and twenty thousand, and providing for conformity between the lines of wards and assembly districts, in any such city.

City to be divided into wards corresponding in number and boundaries to the assembly districts in city.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in any city of this state, which, according to the last state census of this state, contained a population of over one hundred and twenty thousand, or any city which may hereafter acquire such population, it shall be the duty of the mayor and common council, or other municipal board corresponding thereto, and such mayor and common council, or municipal board of every such city, are hereby directed, by resolution, to divide such city into wards, corresponding in number and boundaries to the assembly districts, or part or parts of assembly districts within the limits of such city.

Time for making division when change of district make it necessary.

2. *And be it enacted*, That such division of such city into wards, as provided for in the first section of this act, shall be made on or before the first day of May, after the passage of this act, and on or before the first day of May in each year, whenever any change of the assembly districts in such

city shall make it necessary to take the action directed in the first section of this act, so as to establish an exact conformity between the ward lines and the assembly district lines, or part or parts of assembly districts within such city.

3. *And be it enacted*, That whenever, under the terms of this act, ward lines are changed as aforesaid in any such city, no other wards shall exist or be in any way recognized therein. Other wards not to exist.

4. *And be it enacted*, That nothing within this act contained shall be so construed as to affect the terms of office of any person elected from any ward as existing prior to such change directed by this act, but the terms of office of all such persons shall continue until the expiration of the time for which they were elected, and no longer. Terms of office not affected.

5. *And be it enacted*, That the common council or other municipal board corresponding thereto, and also all other municipal boards, the members of which are elected in wards, in any such city, shall thereafter consist of those persons holding over for their elected term or terms, and those thereafter elected from the wards as changed by authority of this act; *provided, however*, that after the expiration of the terms of office of those holding over as aforesaid, such common council, or other municipal boards, shall consist of those elected from the wards as changed under authority of this act. Common council or municipal board of whom to consist. Proviso.

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

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

Approved April 5, 1878.

CHAPTER CCXII.

An Act concerning the number of chosen freeholders to be elected from the wards in those cities of this state where there shall be an exact conformity between the lines of the wards and the assembly districts exclusively within such cities, and embracing no territory outside of such cities.

Number of chosen freeholders to be elected in wards of certain cities.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in every city in this state where the ward lines of such city now or hereafter shall correspond with the assembly district lines in such city, and no such assembly district in such city shall embrace any territory outside of such city, there shall be elected annually three chosen freeholders from every ward in such city.

Repealer.

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

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

Approved April 5, 1878.

CHAPTER CCXIII.

A Supplement to the act entitled "An act relative to guardians and the estates of minors," approved March twenty-seventh, eighteen hundred and seventy-four.

Chancellor may make order for guardian to receive and remove funds, &c., when ward

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in case any guardian and his ward are both residents of another state or of a foreign country, and such ward is entitled to funds or property of

any description deposited in the court of chancery or under the control and direction of the chancellor, arising from the sale of the property of such ward in this state or otherwise, it shall be lawful for the chancellor to make an order that such guardian may receive and remove the same to the residence of himself and ward; and the delivery, transfer or payment of such funds or property to such guardian, after the making of such order, shall be a legal discharge and acquittance for the same.

2 *And be it enacted*, That before any such order as is mentioned in the first section of this act shall be made, proof to the satisfaction of the chancellor shall be made, by certificate according to the act of congress, in case the guardian and ward reside in another state, or by attestation under the seal of the court wherein or officer before whom the proceedings were had, if their residence be in a foreign country, of the appointment of such guardian and that he has given adequate security as such guardian in double the amount in value of such property, over and above the value of the property of such ward in the place of his residence; and in case the chancellor shall not be satisfied with the sufficiency of such security, additional security, to be given in this state, may be required in such form as the chancellor may direct.

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

Approved April 5, 1878.

CHAPTER CCXIV.

An Act respecting the salaries of city officers in cities of 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 the members of the board of aldermen, or city council, or legislative body of any incorporated city of this

and guardian
are residents of
another state.

Satisfactory
proof to be
made to the
chancellor that
adequate secur-
ity has been
given.

When addition-
al security may
be required.

Members of
board of alder-
men, &c., not to
receive com-
pensation in
certain cities.

state, which, according to the last census, had more than twenty thousand and less than thirty-five thousand inhabitants, to be paid or receive any salary, compensation or allowance of any sort for their services as such city officers.

Not to affect persons now in office until expiration of present term.

2. *And be it enacted*, That this act shall take effect immediately, but shall not affect the salaries or right to salary of any of the said officers now in office in any of said cities, until their present term of office shall expire.

Approved April 5, 1878.

CHAPTER CCXV.

An Act in relation to cities.

Authorized to increase rate of taxation for municipal purpose to one and one-half per cent.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in all cities of this state of less than one hundred thousand and more than fifteen thousand inhabitants, by the last state census, whose charters prescribe that the rate of taxation for municipal purposes shall not exceed one hundred cents on one hundred dollars, the common council or other municipal body shall have the power, by ordinance, duly passed and approved by the mayor, to direct and require a rate of taxation for said municipal purposes equal to and not exceeding one and one-half per centum.

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

Approved April 5, 1878.

CHAPTER CCXVI.

An Act relating to the assessment and revision of taxes in cities of this state.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in any city in this state where a board of assessment and revision of taxes now exists, such board shall hereafter consist of four members, who shall be resident electors of such city; the members of such board shall be nominated by the mayor and confirmed by the common council, and shall hold their office for the term of four years from the date of their appointment; *provided, however*, that in making the first appointment, the mayor shall nominate two of such board for the term of three years and two for the term of four years, and in case of any vacancy hereafter, from whatever cause, the same shall be filled as herein provided, for the residue of the term; *and provided further*, that in making such nominations two of each of the members of said board shall be taken from different political parties; *and provided further*, that in all such cities where boards of assessment and revision of taxes now exists, the terms of office of the members of said board shall terminate upon the appointment of their successors, who shall be appointed immediately after the passage of this act, and all books and papers in their possession shall be turned over to their successors, who shall carry out the provisions of the statutes in relation to the work of said board; *and provided further*, that nothing in this act shall be construed as to invalidate the acts of any existing board.
2. *And be it enacted*, That the compensation of each of the members of said board shall be two thousand dollars per annum, to be paid in such manner as provided by ordinance in such cities.
3. *And be it enacted*, That the provisions of this act shall not apply to cities having a population of less than one hundred thousand inhabitants.

Board of assessment and revision to consist of four members to be appointed by mayor and council.

Term of office.

Proviso.

Proviso.

Proviso.

Proviso.

Compensation.

Payment to be provided for by ordinance.

Act not to apply.

To take immediate effect.

Repealer.

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

Approved April 5, 1878.

CHAPTER CCXVII.

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

Persons or associations whose object is to promote reform of wayward persons to be deemed lawful corporations.

Proviso.

1. BE IT ENACTED, *by the Senate and General Assembly of the State of New Jersey*, That persons or associations whose object in addition to other objects enumerated in said act and the various supplements thereto, and to which said act this is a supplement, is to promote the reformation of wayward persons of either sex, that have been or shall be incorporated under the provisions of the act to which this is a supplement, shall be deemed and taken to be lawful corporations of this state, and entitled to all the rights and privileges conferred by said act and its supplements; *provided*, that nothing in this supplement shall be construed as authorizing such associations to deprive any person or persons of their liberty unless by due process of law.

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

Approved April 5, 1878.

CHAPTER CCXVIII.

An Act in relation to water companies.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in case any incorporated water company of this state, who have by agreement or otherwise, collected water rents in advance shall fail for more than five days at any one time during any period for which such rent is charged, collected or received, to supply water to the person who has paid such rents in advance, such water company shall refund to such consumer a portion of such rent proportioned to the time of such non-supply; *provided*, nothing in this act shall apply to any city or town where the water works are owned and controlled by the city or town authorities. Water rents paid in advance to be refunded by company on failure to supply water. Proviso.
2. *And be it enacted*, That the word "consumer" in the first section of this act shall be construed to include individuals, firms, private, public and municipal corporations furnished with water for any purpose other than that of motive power, by any incorporated water company. Word "consumer," how to be construed.
3. *And be it enacted*, That this act shall take effect immediately.
- Approved April 5, 1878.

CHAPTER CCXIX.

An act to provide for stocking the waters of this state with food fishes.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the sum of four thousand dollars be and the same is hereby appropriated to be expen- Appropriation, amount of.

ded in the hatching and propagation of shad and other food fishes, and in stocking the lakes, ponds and streams of this state with food fishes, under the direction of the commissioners of fisheries of this state.

How paid.

2. *And be it enacted*, That the treasurer of the state shall pay the said amount, upon the warrant of the comptroller, to the said commissioners on their requisition, in such sums as shall be needed by them for the purposes of this act.

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

Approved April 5, 1878.

CHAPTER CCXX.

A Supplement to an act entitled "An act to incorporate trustees of religious societies," approved April seventh, eighteen hundred and seventy-five.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section fifty-eight of the above act, which reads as follows :

Recital of section to be amended.

"58. *And be it enacted*, That the provisions of this act with all the rights, privileges and advantages thereof are hereby extended to and for the benefit of all associations which now are or hereafter may be organized in this state, the object of which is or shall be to establish and maintain what are commonly known as 'Mission Sunday Schools,' " be and the same is so amended as to read as follows :

Amendment.

Provisions extended to Sunday schools.

58. *And be it enacted*, That the provisions of this act with all the rights, privileges and advantages thereof are hereby extended to and for the benefit of all associations which now are or hereafter may be organized in this state, the object of which is or shall be to establish and maintain what are commonly known as Sunday schools.

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

Approved April 5, 1878.

CHAPTER CCXXI.

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, eighteen hundred and seventy-four.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section twenty (20) of the act to which this is a further supplement, which reads as follows:

"20. *And be it enacted*, That no person shall at any time catch or kill in any of the waters of this state, save only with hook and line or scroll, and no person shall catch or expose for sale, or have in his or her possession after the same has been killed, any black bass, pike or pickerel, between the first day of March and the first day of May, except alive for stocking other waters, under a penalty of twenty-five dollars for each offence," be amended to read as follows:

20. *And be it enacted*, That no person shall at any time catch or kill in any of the waters of this state, save only with hook and line or scroll, and no person shall catch or expose for sale, or have in his or her possession, after the same has been killed, any black bass, between the first day of March and the first day of May, except alive for stocking other waters, under a penalty of twenty-five dollars for each offence.

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

Approved April 5, 1878.

CHAPTER CCXXII.

An Act to grant power to the city councils of cities to regulate and control by ordinance the erecting and repairing partition fences in cities.

City council may make and repeal ordinances relating to partition fences.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That power and authority is hereby granted to the city council of any city of this state to pass, alter and repeal ordinances regulating the building, erecting and repairing of partition fences within said city, prescribing the notice to be given and manner of proceeding to make each land owner liable for one-half of the cost and expense of building a line or partition fence between the lands of such person or corporation and that of any other person or corporation, and such sum may be recovered by action of debt or in attachment in any court having jurisdiction of such sum by the person incurring such cost and expense in accordance with the provisions of any such ordinance.

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

Approved April 5, 1878.

CHAPTER CCXXIII.

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

Court of chancery may make order or decree for sale of property by married

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That any married woman who owns real property in the state of New Jersey, and is living in

a state of separation from her husband, and whose husband neglects and refuses to maintain and support her, may at any time during the continuance of such separation, neglect and refusal to maintain and support her, apply by petition to the court of chancery of this state, asking said court to make an order or decree, that during such separation, neglect and refusal to support her, she may sell, convey, mortgage or lease any interest, estate or right that she may have in any such real property, in the same manner and with the like effect as if she were sole and unmarried, and upon such notice to the husband as the court may direct, and satisfactory proof to said court that she is living separate and apart from her said husband, and that he neglects and refuses to support and maintain her, it shall be lawful for said court to decree or order, that during such separation, neglect and refusal to support her, she may sell, convey, mortgage and lease any interest, estate or right that she may have in such real property, except such as came to her by gift through or from her said husband, in the same manner and with the like effect as if she were sole and unmarried; and that any sale, conveyance, mortgage or lease by her of any interest, estate or right which she may have in such real property, made in pursuance of such order or decree, shall pass any and all such interest, estate or right that she may have in such real property, except such as came to her by gift through or from her said husband, in the same manner and with the like effect as if she were sole and unmarried.

woman when husband neglects and refuses to maintain and support her.

Sale, &c., to pass interest, estate or right in such real property.

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

Approved April 5, 1878.

CHAPTER CCXXIV.

An Act to empower incorporated towns having a population of not less than fourteen hundred by the census returns of eighteen hundred and seventy-five, in any county of this state, having a population of not less than fourteen thousand nor more than twenty thousand by said census, to support the poor of said town and to relieve said towns from paying county poor tax.

Certain towns authorized to provide for and maintain poor of town.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That any incorporated town, having a town council, with a population of not less than fourteen hundred by the census returns of eighteen hundred and seventy-five, in any county of this state, having a population of not less than fourteen thousand nor more than twenty thousand by said census returns, are hereby authorized and empowered to provide for and maintain the poor of said town and to raise by taxation the money necessary therefor in each year.

Town council may make an ordinance to provide for poor, &c.

2. *And be it enacted*, That if the town council of any such town shall determine that hereafter such town shall provide for and support the poor of said town, and shall before the first day of May in any year pass an ordinance to that effect, said town shall thereafter provide for and support in a proper manner the poor of said town, and shall not thereafter be assessed with any county poor tax, nor be liable to pay to the county in which it is situated any poor tax or tax for any provision for or the support of the poor of said county.

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

Approved April 5, 1878.

CHAPTER CCXXV.

A Further Supplement to the act entitled "An act for the relief of soldiers and sailors of this state in the war of eighteen hundred and twelve," approved March twelfth, eighteen hundred and seventy-four.

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

"1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the sum of one hundred dollars per annum be paid all soldiers and sailors of this state, who served in the war of one thousand eight hundred and twelve, and the widows of any such soldiers and sailors in equal semi-annual payments during their life-time," and the amendment to the said section of the act as enacted in the supplement thereto, approved April twenty-first, eighteen hundred and seventy-six, which reads as follows :

"That the sum of one hundred dollars per annum be paid all soldiers and sailors of this state, who served in the war of eighteen hundred and twelve, and the widows of any such soldiers and sailors, in equal semi-annual payments during their life-time ; *provided*, that no such pensions shall hereafter be paid to such widows of deceased soldiers and sailors as shall have again married," be still 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 sum of one hundred dollars per annum be paid all soldiers and sailors of this state, who served in the war of one thousand eight hundred and twelve, in equal semi-annual payments during their life-time, and such widows of soldiers and sailors who were married to them prior to the first day of January, eighteen hundred and twenty-five ; *provided*, that no such pensions shall hereafter be paid to the widows of deceased soldiers and sailors who have again married ; *provided*, that this

Recital of section to be amended.

Amendment.
Pension to be paid in semi-annual payments.

Proviso.

Proviso.

act shall not apply to any persons who are now or who shall hereafter become entitled to a pension under any law of the United States.

Pension to be procured without expense to pensioner.

2. *And be it enacted*, That the governor shall have power to direct the adjutant general of the state to present to the pension office at Washington the claims of the soldiers and sailors of the war of eighteen hundred and twelve, who are entitled to pensions under an act of congress approved March ninth, eighteen hundred and seventy-eight, and to procure the payment of said pensions without expense to the pensioners

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

Approved April 5, 1878.

CHAPTER CCXXVI.

An Act concerning street railway companies.

Authorized to extend tracks into any adjoining county.

Proviso.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That any corporation heretofore organized under any special act of the legislature of this state, and empowered to lay railroad tracks and operate a street railway company, and the time limited by their act for commencing building their railroad has not expired, shall have power by and with the consent of three-quarters of the stockholders, to extend its tracks, if deemed necessary for the successful transaction of its business, in any county and into any county adjoining the one in which such company was authorized and empowered to operate; *provided*, the consent of the township committee, or board of aldermen, or common council, or other municipal authority of any city, town or township or any other corporation, upon the streets or roads of which it is proposed to lay such tracks, shall first have been had and obtained.

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

Approved April 5, 1878.

CHAPTER CCXXVII.

An Act concerning cities.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the common council in cities of this state having a population of less than three thousand inhabitants, by the census of eighteen hundred and seventy-five, are hereby authorized to purchase gas works in their cities, and issue bonds to pay for the same; *provided*, the gas works to be purchased under the authority of this act shall have been in operation five years.

May purchase
gas works and
issue bonds.

Proviso

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

Repealer.

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

Approved April 5, 1878.

CHAPTER CCXXVIII.

An act to regulate the sale of milk.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That every person who shall sell, or who shall offer or expose for sale, any milk from which the cream, or any part thereof, has been removed, shall distinctly and durably stamp or mark, in letters not less than two inches in length, in a conspicuous place, above the centre, upon the outside of every can, vessel or package containing such milk, the words "skimmed milk," and such milk shall only be sold or shipped in or retailed out of a can, vessel or package so marked or stamped.

Persons selling
or offering for
sale skimmed
milk to stamp
or mark pack-
age. &c.

Penalty for violating provisions of this act.

2. *And be it enacted*, That any person who shall violate any of the provisions of this act shall be deemed guilty of a misdemeanor, and, in addition thereto, be liable to a penalty of fifty dollars, and, on trial for such misdemeanor or penalty, the sale or offer or exposure for sale of milk or articles contrary to the provisions of this act, shall be presumptive evidence of knowledge by the accused of the character of the milk or article so sold or offered or exposed for sale, and that the can, vessel or package was not stamped or marked as required by this act.

Penalties may be sued for in county where offence is committed.

3. *And be it enacted*, That all penalties imposed under the provisions of this act may be sued for in any county of this state where the offence is committed, in any court having competent jurisdiction, one-half of the fine to go to the person making the complaint and the other half to be paid to the county collector, for the benefit of the county.

Defendant may be committed to jail for non-payment.

4. *And be it enacted*, That on the non-payment of the penalty, the defendant shall be committed to the common jail of the county for a period of not less than one day for each dollar of the amount of the judgment; any court of competent jurisdiction in this state shall have jurisdiction to try and dispose of all and any of the offences arising in the same county against the provisions of this act, and every justice of the peace shall have jurisdiction within his county of actions to recover any penalty hereby given or created; *provided*, that the provisions of this act shall not apply except to milk in cans or other packages containing twenty quarts and upwards.

Proviso.

Approved April 5, 1878.

CHAPTER CCXXIX.

An Act to authorize cities to issue and sell water bonds not exceeding one hundred thousand dollars, to complete any part of any unfinished reservoir for water in any city.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That any city of this state having a board of finance and taxation, shall have power and they are hereby authorized to issue and sell, at not less than par, bonds not exceeding one hundred thousand dollars in amount, to be known and designated as water bonds of such city, and the proceeds of the sale of which bonds shall be used for the purpose of completing any part of any unfinished reservoir for water in such city and for no other purpose whatever; said bonds shall only be issued by resolution of the board having control of the finances of such city, and they shall be in such form, and for such amounts, and bear such interest not exceeding six per cent., and run for such periods, not exceeding thirty years, as said board shall determine; said bonds shall be signed by the mayor and city clerk, and by any other city officer if designated by said board; that the principal and interest, as the same falls due, shall be raised by taxation at such times and in such amounts as the said board shall determine; and said board may from year to year cause to be raised by taxation sufficient money to create a sinking fund for the payment of said bonds and interests thereon, as the same may fall due.

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

Authorized to issue and sell water bonds; proceeds of sale, how applied.

Bonds, how executed

Principal and interest to be raised by taxation.

Approved April 5, 1878.

CHAPTER CCXXX.

A Supplement to an act entitled "An act respecting county physicians," approved April twenty-first, eighteen hundred and seventy-six.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the first section of the act to which this is a supplement, and which is in the following words :

Recital of section to be amended.

"1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for any board of chosen freeholders of any county in this state, whenever said board shall deem it best so to do, to elect, at any regular or special meeting of said board, a county physician, from the number of licensed physicians residing in said county, and to pay him such yearly salary for the service rendered by him as to said board shall seem just, to be fixed from time to time as such elections shall be made ; before entering upon the duties required of him by this act said county physician shall take and subscribe an oath or affirmation before the clerk of said county, faithfully and fairly to perform the duties of his office to the best of his skill and understanding, which oath or affirmation shall be filed by said clerk in his office," be and the same is hereby amended so as to read as follows :

Amendment.
Chosen freeholders may elect county physician.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for any board of chosen freeholders of any county in this state, whenever said board shall deem it best so to do, to elect, at any regular or special meeting of said board, a county physician from the number of licensed physicians residing in said county, who shall hold his office for the term of three years, and to pay him such yearly salary for the service rendered by him as to said board shall seem just, to be fixed from time to time as such elections shall be made ; and in all counties containing not less than fifty thousand inhabitants ; and

before entering upon the duties required of him by this act said county physician shall take and subscribe an oath or affirmation before the clerk of said county, faithfully and fairly to perform the duties of his office to the best of his skill and understanding, which oath or affirmation shall be filed by said clerk in his office.

Physician in certain counties to make and subscribe an oath.

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

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

Approved April 5, 1878.

CHAPTER CCXXXI.

A Supplement to an act entitled "An act respecting bridges," (revision) approved April tenth, eighteen hundred and forty-six.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That no bridge shall be erected over 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, given by statute for that purpose; *provided*, that nothing herein shall be construed to forbid the erection of docks or wharves. Proviso.

Bridge not to be erected over navigable waters.

2. *And be it enacted*, That no law heretofore passed, or action or organization under it, shall be construed so as to authorize any such bridge not now erected. Law heretofore passed, how construed.

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

Approved April 5, 1878.

CHAPTER CCXXXII.

An Act respecting assessments for constructing sewers or continuations of sewers running through adjoining cities.

Assessments for costs and expenses of sewer or continuation of sewer, &c., to be made upon the land and real estate benefited.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That hereafter in assessing the costs and expenses incurred in the construction of any sewer or continuation of any sewer running through two adjoining cities in this state, and which may have been or may hereafter be built and constructed under the direction of commissioners appointed for that purpose under and pursuant to the provisions of any law of this state, the commissioners, freeholders, city surveyor, or other person or persons appointed or to be appointed under any law, and who are or may be authorized by law to make an assessment for such improvements, shall in all such cases in and for which such commissioners of assessments, freeholders, city surveyor, or other person or persons are or may be lawfully appointed to make assessments, assess the costs and expenses of such sewer or continuation of such sewer or sewer improvements upon the land and real estate benefited by such improvement and in proportion to the benefits thereby received, in making which said assessments hereby authorized for such sewer improvements in any cities of this state the same shall be made and assessed upon the several lots or parcels of land benefited by such improvement in proportion to the benefit received by each one of said lots or parcels of land, and no lot or parcel of land shall be assessed more than it is benefited; *provided*, that if the total cost and expense of such improvement exceeds the aggregate amount of assessable benefits, then only so much of said cost and expense as equals the aggregate amount of such benefits shall be so assessed, and the remainder of such cost and expense shall be borne by the cities at large in which such sewer or continuation of such sewer may be built, one-half of which remainder shall be borne and paid by each of such

Proviso.

cities, and the same shall be assessed, levied and raised by general taxation upon all the taxable property in such cities respectively, in the same manner that taxes in such cities respectively for other city purposes are assessed, levied, raised and collected.

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

Approved April 5, 1878.

CHAPTER CCXXXIII.

An Act to authorize incorporated cities in the State of New Jersey to adjust and compromise certain past due taxes.

WHEREAS, certain taxes heretofore levied within cities in Preamble. this state have been illegally assessed or made,

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the Appointment of committee to adjust and compromise past due taxes. board of aldermen or common council of said cities respectively, or any committee of said board of aldermen or common council, of not less than three in number for that purpose by resolution appointed, to examine, revise, alter, adjust and compromise all or any such past due taxes in said cities respectively, the justness and legality of which may be disputed by any person or persons or corporations; *provided, however*, that in all cities where there exists a board Proviso. of finance and taxation or commissioners of the sinking fund that such board or commissioners, as the case may be, shall exercise said powers in lieu of said board of aldermen or common council; and in all cases the final action of such committee, board of finance and taxation, or commissioners, upon any case arising under this act, shall, before the same shall become valid, be approved by the board of aldermen or common council of said cities respectively.

Persons or corporation aggrieved may petition for relief.

Proceedings in case of objection, &c.

Proceedings shall be signed by presiding officer, &c., before whom they are had.

Tax to be a lien.

Proviso.

Proviso.

2. *And be it enacted*, That any person or persons or corporation, separately or collectively, aggrieved by any such past due taxes in any said city, may present to said board of aldermen or common council or board of finance and taxation or commissioners of the sinking fund of said city in which such disputed past due tax exists, a petition therein stating his or their objections to the same, and praying for relief; and upon so presenting such petition, the past due tax so objected to shall be considered to be disputed, so as to give any such board of aldermen or common council, or board of finance and taxation, or commissioners of the sinking fund, or any committee thereof, duly appointed by resolution of said board of aldermen, or common council, or board of finance and taxation, or commissioners of the sinking fund, jurisdiction to revise, alter, adjust and compromise the said past due tax as shall be equitable and just, and that every such past due tax which shall be so revised, altered, adjusted and compromised, shall be final and conclusive between every such person or persons or corporation so objecting and the city in which such past due tax shall be revised, altered, adjusted and compromised.

3. *And be it enacted*, That the proceedings of every of the said board of aldermen, or common council, or board of finance and taxation, or commissioners of the sinking fund, or the duly appointed committee thereof, shall be signed by the presiding officer of such board of aldermen, or common council, or board of finance and taxation, or commissioners of the sinking fund, if had before them, or if before a committee thereof, as herein authorized, then by the said committee, or a majority of them, and filed in the office of the officer of the said city in which such proceedings shall be had, with whom such tax was filed before such revision; and when such proceeding shall be so filed, the said past due tax, as revised, altered, adjusted and compromised, shall be and remain a lien upon the property on account of which said tax had been originally levied and assessed, and shall be collected in the manner provided for the collection of taxes in said cities respectively; *provided, however*, that any person or persons or corporation desiring to have the benefit of this act shall file his or their petition or petitions therefor within twelve months from the date of the passage of this act; *provided, however*, that nothing in this act shall be

held to alter or affect the rights or remedies at law, or in equity of any person so petitioning, or of such city as they existed at the time of filing said petition, unless settlement shall be actually agreed to and effected.

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

Approved April 5, 1878.

CHAPTER CCXXXIV.

A Further Supplement to the act entitled "A supplement to an act respecting mortgages," approved March twenty-seventh, eighteen hundred and seventy-four, which supplement was approved March nineteenth, eighteen hundred and seventy-eight.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the first section of the supplement above mentioned, which was approved March nineteenth, eighteen hundred and seventy-eight, and which is in these words:

"Every mortgage or conveyance intended to operate as a mortgage of goods and chattels hereafter made, which shall not be accompanied by an immediate delivery and followed by an actual and continued change of possession of the things mortgaged, shall be absolutely void as against the creditors of the mortgagor and as against subsequent purchasers and mortgagees in good faith, unless the mortgage, or a true copy thereof, having annexed thereto an affidavit or affirmation made and subscribed by the holder or holders of said mortgage, his, her or their agents, or attorney, stating the consideration of said mortgage, and as near as possible the amount due and to grow due thereon, be filed as directed in the succeeding section of this act," shall be and hereby is altered so that the said section shall read and be as follows:

Every mortgage or conveyance intended to operate as a mortgage of goods and chattels hereafter made, which shall

Recital of section to be altered.

Alteration. When void.

not be accompanied by an immediate delivery and followed by an actual and continued change of possession of the things mortgaged, shall be absolutely void as against the creditors of the mortgagor and as against subsequent purchasers and mortgagees in good faith, unless the mortgage, or a true copy thereof, having annexed thereto an affidavit or affirmation made and subscribed by the holder or holders of said mortgage, his, her or their agents, or attorneys, stating the consideration of said mortgage, and as near as possible the amount due and to grow due thereon, be filed, as directed in the fortieth section of the said act, approved March twenty-seventh, eighteen hundred and seventy-four; *provided*, that nothing contained in this act, nor in the acts to which this is a supplement, shall be taken, construed or held to apply to any mortgage of personal property included in a mortgage of franchises and real estate heretofore or hereafter made by any railroad company, and which hath been, or shall be, recorded or registered as a mortgage of real estate in every county in which such railroad, or any part of it, is or shall be located; and it shall not be necessary to file, as a chattel mortgage, any such mortgage as is in this proviso described; and all acts and parts of acts contrary to the provisions of this act are hereby repealed; *provided*, that the provisions of this act shall not in anywise affect or impair the rights of any person or corporation under any mortgage, judgment or other lien or claim set up in any now existing suit or proceeding at law, or in equity, by or against any railroad company in which the validity or priority of such mortgage, judgment or other lien or claim has been, or is now, legally questioned.

2. *And be it enacted*, That this act, and the supplement to which this act is a supplement, shall take effect immediately; *provided however*, that if any mortgage or conveyance intended to operate as a mortgage of goods and chattels or any renewal thereof, shall be filed before the fourth day of July next, without the affidavit or affirmation required hereby, such mortgage or conveyance shall have the same force and effect as it would have if such affidavit or affirmation were annexed thereto.

Proviso.

Proviso.

When to take effect.

Proviso.

Approved April 5, 1878.

CHAPTER CCXXXV.

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

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever any ward or any election district in any ward shall be cut by the line or lines of one or more assembly districts, so that such ward shall not be wholly within the lines of one assembly district, that in every such case it shall be the duty of, and the board of aldermen are hereby required to forthwith divide such ward into election districts, so that each election district in such ward shall be wholly within such ward, and wholly within one assembly district; and such division shall be made notwithstanding the result of such division is to make election districts that shall contain less than six hundred voters each; and in any division thereafter of such ward into election districts, such division shall be made in the above way and manner, and no other; *provided, however*, that if the division hereby provided for shall leave a portion of a ward containing more than six hundred voters, the same shall be divided into election districts in the manner now required by law.

Wards to be divided into election districts.

Proviso.

2. *And be it enacted*, That the board of aldermen are hereby required, whenever such division shall be made as required by this act, to appoint, in time for the next general election or next municipal election next thereafter, two inspectors and one judge of election and one clerk of elections for each of said districts so set off, who shall be residents of the election districts in which they are appointed, and who shall serve until their successors are elected; the said inspectors so to be appointed shall not belong to the same political party; the board of aldermen are also hereby required, within the time aforesaid, to establish a polling place in and for every election district.

Appointment of election officers.

All general and municipal elections to be held in districts.

3. *And be it enacted*, That all general elections and all municipal or other elections that may hereafter take place in any such ward, after such division of the same into election districts as provided in this act, shall be held in such election districts created under this act, and not otherwise.

How construed.

4. *And be it enacted*, That for the purpose of this act the term ward shall be construed to include "aldermanic district," "town" and "township," and the term board of aldermen shall be construed to include a "council," "common council," "township committee," and any similar body by whatever name designated.

Approved April 5, 1878.

CHAPTER CCXXXVI.

An Act declaratory of the power of the chancellor to issue and determine writs of habeas corpus.

Chancellor declared to have, and to have had power to issue writs of habeas corpus.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the chancellor of this state is hereby declared to have, and to have had, the power to issue writs of *habeas corpus* under the seal of the court of chancery, and to hear and determine the same, notwithstanding the provisions, or any of them, of the act entitled "An act for preventing the injury of illegal confinement and better securing the liberty of the people," (revision) approved March twenty-seventh, eighteen hundred and seventy-four, and in the same manner as if the said act had never been passed, and the act entitled "An act for preventing the injury of illegal confinement and better securing the liberty of the people," passed March eleventh, seventeen hundred and ninety-five, had never been repealed.

Approved April 5, 1878.

CHAPTER CCXXXVII.

An Act to provide for holding the court of special quarter sessions, in counties where the same now may be held, by a less number of judges, in certain cases.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever, by reason of a vacancy in the office of a lay judge of the court of common pleas in any county wherein a court of special quarter sessions may now be held, there shall be but one lay judge in said county, the court of special quarter sessions may be held by the law or presiding judge, together with such lay judge until such vacancy can be filled; *provided*, that in such case, if said court, in the trial of any person charged with crime, shall disagree as to any question of fact arising therein, such disagreement shall not operate to acquit or discharge the prisoner, who shall be held, and either tried again upon the allegation against him, or upon any indictment found against him by the grand jury.

Court may be held by the presiding judge and one lay judge, in certain cases.

Proviso.

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

Approved April 5, 1878.

CHAPTER CCXXXVIII.

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

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section thirty-one of the

act to which this is a supplement, which section reads as follows :

Recital of section to be amended.

“ 31. On application for relief being made to any overseer or overseers of the poor of any township, by or for any poor person or persons within such township, the said overseer or overseers shall thereupon convene two justices of the peace of the county in which such relief is required, who are hereby required and empowered to issue their warrant to a constable, commanding him to bring such poor person or persons before them, at such time and place as they shall appoint, and the said justices shall thereupon proceed to examine every such poor person or persons, upon oath or affirmation, relating to his or her last place of legal settlement ; and the said overseer or overseers are hereby authorized and required to take out, in the name of said two justices, and serve process of subpoena, when necessary, to bring before the said justices any person or persons to give evidence respecting such settlement ; and the said justices, after examination of such poor person or persons and witnesses, if any there be, shall adjudge and determine the legal settlement of such poor person, and if the same be within the county where the application for relief is made, and they believe that public relief is necessary, they shall make out an order of removal, commanding the said overseer or overseers to remove the said poor person or persons to the poor house of the county (where poor houses are erected), or if there be none, then to the place of his or her last legal settlement ; and also to deliver to the said overseer or overseers the said order of removal, together with a copy of the evidence on which the adjudication was founded, which order and copy of evidence the said overseer shall take and deliver, with the said poor person or persons, to the steward of the said poor house, or to the overseer or overseers of the poor of the township to which he or she shall be removed, as the case may be ; and the expense of said examination and removal shall be paid by the overseer or overseers of the poor of the township where the application for relief is made ; *but provided*, if it shall appear on the examination had as aforesaid that the legal settlement of such poor person or persons is not in the said county where the application for relief is made, in that case the said justices shall make out an order of removal or warrant to a constable, thereby commanding the removal of

such poor person or persons to their place of settlement, according to the seventeenth section of this act, and transmit, with the said poor person or persons, a copy of the evidence on which the adjudication was made, and without such copy of evidence such removal shall not be deemed legal;" be amended so that the same shall read as follows:

31. On application for relief being made to any overseer or overseers of the poor of any township, by or for any poor person or persons within such township, the said overseer or overseers shall thereupon go before one of the justices of the peace of the county in which such relief is required, who is hereby required and empowered to issue his warrant to a constable, commanding him to bring such poor person or persons before him, at such time and place as he shall appoint; and the said justice shall thereupon proceed to examine every such poor person or persons, upon oath or affirmation, relating to his, her or their last place of legal settlement, which settlement shall be proved before the said justice by the affidavit of at least one reputable freeholder resident in the township or ward which the said poor person or persons claim as his, her or their place of residence and settlement; and the said overseer or overseers are hereby authorized and required to take out, in the name of said justice, and serve process of subpoena when necessary, to bring before the said justice any person or persons to give evidence respecting such settlement; and the said justice, after examination of such poor person or persons and witnesses, shall adjudge and determine the legal settlement of such poor person, and if the same be within the county where the application for relief is made, and he believes that public relief is necessary, he shall make out an order of removal commanding the said overseer or overseers to remove the said poor person or persons to the poor house of the county (where poor houses are erected), or if there be none, then to the place of his or her last legal settlement; and also to deliver to the said overseer or overseers the said order of removal, together with the affidavit and a copy of the evidence on which the adjudication was founded, which order and copy of evidence the said overseer shall take and deliver, with the said poor person or persons, to the steward of the said poor house, or to the overseer or overseers of the poor of the township to which he or she shall be removed as

Recital continued.

Amendment.

Proceedings in case of application for relief of the poor, made to any overseer of the poor of any township.

Justice of the peace shall adjudge and determine the legal settlement of such poor person.

Proviso. the case may be ; and the expense of said examination and removal shall be paid by the overseer or overseers of the poor of the township where the application for relief is made ; *but provided*, that if it shall appear, on the examination had as aforesaid, that the legal settlement of such poor person or persons is not in the said county where the application for relief is made, in that case the said justice shall make out an order of removal or warrant to a constable, thereby commanding the removal of such poor person or persons to his, her or their place of settlement, according to the seventeenth section of this act, and transmit, with the said poor person or persons, a copy of the evidence on which the adjudication was made ; and without such copy of evidence such removal shall not be deemed legal.

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

Approved April 5, 1878.

CHAPTER CCXXXIX.

An Act concerning the registry and returns of marriages, births and deaths.

Persons authorized to solemnize marriages shall transmit certificate of every marriage within thirty days.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That every minister of the gospel, justice of the peace, and other person having authority to solemnize marriages, and the clerk or keeper of the minutes of every religious society in this state, before which any marriage shall be solemnized, shall transmit to the proper officer, as hereinafter designated, a certificate of every particular marriage solemnized before him, within thirty days thereafter, which certificate shall show the name, age, parentage, birthplace, occupation and residence of the parties married, the time and date of the marriage, the condition of each of the parties, whether single or widowed, the name of the clergyman or magistrate officiat-

ing, and the names and residences of the witnesses; any clergyman or magistrate neglecting to send such certificate shall be liable to a penalty of ten dollars. Penalty.

2. *And be it enacted*, That it shall be the duty of the physician, midwife, or other person present at the birth of every child born, and in case there be no physician or midwife present, it shall be the duty of the parent to report in writing to the proper officer, within thirty days thereafter, the following particulars as far as known: the day of the month and year, the precise place of residence, the names of both parents and the maiden name of the mother, the birthplace, residence and occupation of the parents, the sex and color of the child, and its name if it be named, also the names of the attending physician; any person herein required to make report of any birth and failing to do so, shall be liable to a penalty of five dollars for each offence; *provided*, that a report made by any one of the persons present shall relieve the others from the obligation of making such report. Report to be made in writing of births. Penalty. Proviso.

3. *And be it enacted*, That no sexton, undertaker or other person shall hereafter bury within this state, or bring into or remove from this state the body of any deceased person, without having first received a permit from the proper authority of the county, city or township wherein such person may have died or to which he may be brought from another state for burial, and if so doing said sexton, undertaker or other person shall be liable to a penalty of fifty dollars. Burial permit required. Penalty.

4. *And be it enacted*, That in case of any person dying within this state, it shall be the duty of the physician who may have attended him during his last illness, or in case there has been no physician in attendance, of the coroner or county physician, after view or examination had, to furnish on the application of the undertaker or any member of the family, a certificate of the death of said person, which certificate shall show the name, age, sex, color, nativity, occupation, last place of residence, precise place of death and the cause of death of said decedent according to the best of his knowledge; and if any physician or coroner refuses or neglects to make such certificate, he shall be liable to a penalty of ten dollars; this certificate shall then be delivered to and filed with the proper officer as hereinafter Certificate of death to be furnished by physician, &c. Penalty.

designated, and said officer shall thereupon issue a permit for burial to the person filing such certificate.

Judge of court of pleas or justice of the peace may grant permit for burial in certain cases.

Form of permit.

Permit to be transmitted to secretary of state.

Penalty for making false certificate or report.

Proper officer to receive certificates of marriages, births and deaths, &c.

Duty of assessors, clerks, &c. relative to transmitting certificates.

5. *And be it enacted*, That in any case where, on account of the absence of the proper officer, or for any other sufficient reason, it may be impossible to obtain from said officer a permit in time for burial, it shall be lawful for any judge of the court of common pleas or any justice of the peace of the county in which the person died, on being satisfied as to the correctness of said certificate, to issue a permit for burial in the following form: "It being impossible to obtain a burial permit from the proper officer on account of [here stating the reason] I hereby grant this special permit for the burial of _____ whose death has been duly certified to me;" and said judge or justice of the peace shall at once copy upon the back of said certificate the permit as granted, and mail the same to the office of the secretary of state at Trenton, marked on the envelope "Burial Permit;" and the undertaker or other person on the receipt of said special permit, shall pay to the said judge or justice, granting the same, the sum of fifteen cents.

6. *And be it enacted*, That any person who shall knowingly make any false certificate, statement or report, relative to any marriage, birth or death, under the action of this law, shall be judged guilty of a misdemeanor, and on conviction shall be punished by fine or imprisonment, or both, at the discretion of the court.

7. *And be it enacted*, That the proper officer to receive the certificates of marriages, births and deaths, and to grant permits for burial, shall in any incorporated city or borough in which there may be an officer charged with these duties, and in any county having a similar officer appointed by a county board of health now organized, be such person as said incorporated city or county board of health has authorized or may authorize, but in every other case shall for cities be the city clerk or clerk of the board of aldermen or common council, and for townships be the assessor of the township.

8. *And be it enacted*, That it shall be the duty of such assessors, clerks and other officers, to transmit, on or before the fifteenth day of each calendar month, to the secretary of state, at Trenton, and in an envelope or package marked "vital statistics," all the certificates of marriages, births,

and deaths as above described, received during the preceding month, or at such other intervals or periods as may be designated by the secretary of state.

9. *And be it enacted*, That it shall be the duty of such assessors, clerks and other officers, to make and keep a complete list, as far as possible, of all coroners, physicians, midwives, undertakers, clergymen and other persons authorized to solemnize marriages, and on or about the first day of May, in each year, to send to each a printed copy of the sections of this act defining their respective duties, and to furnish them, on application, with the proper blanks to make the prescribed returns.

Blanks to be furnished by assessors, clerks &c.

10. *And be it enacted*, That such assessor, clerk or other officer, upon receiving a certificate from the secretary of state as to the whole number of marriages, births and deaths returned as aforesaid, shall be entitled to receive from the collector of the township, or other proper disbursing officer, five cents for each marriage, birth or death so returned, the receipt for which shall be attached to the said certificate, and no payment shall be made unless such certificate be produced.

Compensation to assessor, clerk or other officer.

11. *And be it enacted*, That the secretary of state shall appoint, on the nomination of the state board of health, of which he is a member, a suitable person, who shall be a practicing physician of at least ten years' standing, who shall receive the returns made in pursuance of this act, examine carefully and prepare, under the direction of the state board of health, such tabular statements, results and deductions therefrom as bear upon the population, the causes and sources of disease, and the sources of social progress and deterioration, and make an annual report thereof to the state board of health, which report shall be published as a part of the annual report of said board; it shall also be the duty of the said person to prepare and issue to assessors, clerks and other officers, the blank forms of certificates and returns required by this law, and the printed sections of the law required to be distributed to physicians, clergymen, undertakers and other persons, and he shall accompany the same with such instructions and explanations as may be necessary and useful, and shall do whatever may be required to carry into effect the provisions of this act; the secretary of state shall, as now authorized, furnish the above and other

Nomination and appointment of person to receive returns and prepare tabular statements.

blank forms that may be required for issue on application or otherwise, but the failure to have received such blanks unless there has been application therefor, shall not be any excuse for the disregard of the law.

Returns to be sent to the several counties from whence they are received, annually.

Record to be made by county clerk.

Compensation.

Proviso.

12. *And be it enacted*, That after the publication of the annual report of the board of health, the secretary of state shall send to the clerk of the court of common pleas of each county all the returns received from their respective counties during the year, to which the report relates; and thereupon said clerk shall arrange alphabetically, index and file away for preservation, said returns, keeping each class, births, marriages and deaths distinct and separate, and also the index and returns for each year separate; for this service the said county clerks shall receive three cents for each certificate filed and indexed, from the treasury of their respective counties; *provided*, that in counties where, by the laws of this state, there are established boards of health and vital statistics, said information shall be transmitted to the clerk of said board, who shall perform the same duties and shall receive the same fees therefor as the clerk of the court of common pleas in other counties.

Compensation to be paid person appointed to prepare report.

Proviso.

Proviso.

13. *And be it enacted*, That the person appointed to take charge of the certificates of marriages, births and deaths, and to prepare the report on vital statistics, shall be paid for his services such sum as may be fixed by the state board of health; *provided*, that he be paid out of the moneys appropriated for the use of said board; *and provided further*, that the entire amount to be expended by said board shall not exceed two thousand dollars annually, and so much of said amount as the board of health may require shall be payable by the comptroller on account rendered and signed by the president and secretary of the board and approved by the governor.

State board of health to have power of inquiry relative to vital statistics.

Proviso.

14. *And be it enacted*, That the state board of health shall have the same power of inquiry as to vital statistics, and as to other matters relating to public health in all cities and counties of the state having city or county boards of health as they have in other parts of the state, *provided*, that in no case shall the inquiries interfere with the present authority of city or county boards of health nor shall the state board of health exercise any jurisdiction over such city or county boards.

15. *And be it enacted*, That the secretary of the state or the state board of health shall prosecute, by an action of debt, in the name of the state, for the recovery of any penalty or forfeiture imposed by this law. Secretary of state to prosecute for penalty.

16. *And be it enacted*, That section six, seven, eight, nine, ten, eleven, twelve, thirteen, fourteen, fifteen, sixteen, seventeen, eighteen, nineteen, twenty, twenty-one, twenty-two, twenty-three, twenty-four, twenty-five, twenty-six, twenty-seven, twenty-eight, twenty-nine, thirty and thirty-one of the act entitled "An act concerning marriages, births and deaths," (revision), approved March twenty-seventh, eighteen hundred and seventy-four, and the supplement to said act approved March seventeenth, eighteen hundred and seventy-six, and all other acts and parts of acts, general and special, inconsistent with the provisions of this act, or which require ministers of the gospel, parents, physicians, undertakers or other persons to furnish or make certificates or reports for the purpose of registration, be and the same are hereby repealed. Sections of former act repealed. Repealer.

17. *And be it enacted*, That this act shall take effect June first, eighteen hundred and seventy-eight. When to take effect.

Approved April 5, 1878.

CHAPTER CCXL.

An Act to regulate the construction of sidewalks in the townships of this state.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That upon the presentation of a petition in writing for the construction of a sidewalk on any continuous portion of a public thoroughfare in any village located in any township of this state which shall be signed by the owners of two-thirds of the lineal feet of front defined in said petition, which said front shall not have been previously improved under the provisions of this act, it shall then be the duty of the township committee, if they so elect When township committee may construct or have constructed, sidewalk. &c.

after verification by examination of the facts set forth, and after notices of reception of said petition shall have been served upon the parties affected thereby, to proceed to construct or to have constructed such sidewalk in such manner with such suitable materials and in such width and grade as shall be defined and requested by said petitioners.

Township committee shall advertise for proposals.

2. *And be it enacted*, That when such petition shall have been presented to said township committee to grade and construct such sidewalks, and the township committee shall have elected to construct the same, they shall order the township clerk thereupon to set up advertisements in three of the most public places in said township for the reception of proposals for doing the work; said proposals to be received at such time and place as shall be designated by said committee, and the said committee shall be empowered to reject any and all of said proposals, or to advertise for new proposals, or to accept such as shall in their opinion be most advantageous, and to enter into and compel the performance of all necessary and proper contracts for the doing of said work; *provided*, that in case the owner or owners of any lands in front of which such sidewalk shall have been ordered built shall choose to construct such sidewalk themselves or cause the same to be constructed, they shall be and hereby are empowered to construct the same upon filing notice of such intention in writing with the chairman of the township committee within ten days after such owners shall have been notified as provided in section one of this act; *provided, further*, that such sidewalk shall be constructed in all respects in the manner and of like materials specified in said petition and upon the same grade, and shall be completed within the time prescribed for the completion of the whole; and the person or persons so constructing their own sidewalk shall be exempt from assessment for construction, but not from their share of the necessary fees and costs incurred by said township committee.

Proviso.

Proviso.

Costs and expenses to be assessed upon owner, &c.

3. *And be it enacted*, That when such township committee shall have caused such sidewalk to be constructed in accordance with the terms of the said petition, the cost of construction, together with all fees, cost and interest, shall be assessed by them upon the owner or owners of the land in front of which such sidewalk shall have been constructed; *provided, always*, that costs of construction shall not be

Proviso.

assessed on such owners as shall be exempt from the same under section two of this act.

4. *And be it enacted*, That the basis of assessment shall in all cases be the number of lineal feet front owned by each person in front of whose lands the said walk shall have been constructed, and that any and all assessments for the cost of construction of such sidewalk, together with all fees, costs and interest, shall be and remain a lien or liens upon the lands and real estate in front of which such sidewalk shall be constructed, from the time of the presentation of said petition to such township committee until such assessment, with the costs, fees and interest thereon, shall have been fully paid and satisfied, notwithstanding any devise, descent, alienation, mortgage or other incumbrance thereof, and notwithstanding any mistake in the name or names of any owner of such lands or real estate, or omission to name any such owner or owners, and that any assessment in which such mistake or omission occurs shall be as valid and effectual in law as though such mistake or omission had not occurred; and the said lien or liens may in the discretion of said committee be enforced by the sale and conveyance of said lands and real estate in the manner prescribed by law for the collection of other taxes.

Basis of assessment to be the number of lineal feet front owned by each person.

5. *And be it enacted*, That the township committee shall deliver to the township collector a copy of said assessment when made, and the sums thereby assessed shall thereafter be collected in the same manner as other taxes are collected in said township, and that in case any such assessment for the construction of such sidewalk, together with all costs, fees and interest thereon, shall remain unpaid at the expiration of ninety days from and after the service of the legal notice, as required for the collection of other taxes in such township; it shall be lawful for the said township committee, in their discretion and by resolution, to direct that such assessment shall be collected with interest, costs and fees, as aforesaid; and it shall be the duty of the collector of taxes in said township to proceed immediately in the collection thereof by enforcing said lien by the sale and conveyance of said land and real estate in the manner prescribed in an act to make taxes a lien upon real estate, approved March seventeenth, one thousand eight hundred and fifty-four.

Copy of assessment to be delivered to township collector.

Collector of assessments.

May borrow money in anticipation of assessment.

6. *And be it enacted*, That it shall and may be lawful for said committee or a majority of them to borrow money from time to time, in anticipation of an assessment for the construction of such sidewalk, to an amount not to exceed the cost of the actual construction thereof, and to secure the payment by note or otherwise in the name of said township, and to be used for no other purpose but for the grading and construction of such sidewalk.

Sidewalks to be constructed under provisions of this act.

7. *And be it enacted*, That the sidewalks along the avenues constructed by the public road board, through any township in this state, shall be constructed under the provisions of this act, when not otherwise provided for.

Sidewalks to be kept in repair.

8. *And be it enacted*, That in case any sidewalk constructed under this act shall become out of repair, it shall be lawful for the township committee to cause written notice to be served upon the owner or occupant of the property in front of which the defective walk shall be, to repair the same, and in case of the failure on the part of such owner or occupant to repair such sidewalk within ten days thereafter the township committee shall cause such repairs to be made and the costs, together with all fees, costs and interest, to be assessed upon the property and collected in the manner provided by law for assessing and collecting the cost of building a sidewalk.

Costs and expenses of repair, by whom paid.

Repealer.

9. *And be it enacted*, That all acts or parts of acts inconsistent with any of the provisions of this act be and the same are hereby repealed, *provided*, that in no instance this act be taken as repealing or modifying any special act or acts or parts thereof regulating the construction of sidewalks in any township of this state; *provided*, that this act shall not apply to counties having less than one hundred thousand inhabitants.

Proviso.

Proviso.

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

Approved April 5, 1878.

CHAPTER CXXLI.

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

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall hereafter be unlawful for any individual, individuals, firms or corporations owning lands bordering upon the tide or river waters of this state, or who own or possess rights to low lands or lands covered by tide or river waters, to cause or allow said lands to be filled in with any substance containing animal or vegetable matter or any other material which is or is likely to become prejudicial to the health or comfort of any of the inhabitants of the city, town, township or village within whose limits such filling is caused or allowed; *provided*, Filling in of lands on tide or river waters with any substance prejudicial to health, &c., declared unlawful. *however*, that nothing in this act shall be held to prevent the dumping or depositing of any animal or vegetable matter by any individual or individuals, firms or corporations, or the employee or employees or agents of such individual or individuals, firm or corporation, during the months of October, November, December, January, February and March; *and provided further*, Proviso. that the matter and refuse so dumped Proviso. be covered with earth so that it will not emit any stench, to the discomfort of or danger to the health of the inhabitants of any city, town, township or village within whose limits such filling is done.

2. *And be it enacted*, That any person or persons, firms or corporations owning such lands, or in possession or having the control thereof, or any officer or officers, agent or agents, attorney or attorneys, employee or employees of any corporation or firm owning or in possession of such lands, who have the control or management thereof on behalf of such corporation or firm, offending against the provisions of this act, and being convicted thereof, shall be deemed and adjudged to be guilty of a misdemeanor and be punished by fine not exceeding two hundred and fifty dollars, or imprisonment at hard labor not exceeding six months, or both. Penalty for offending against the provisions of this act.

Approved April 5, 1878.

CHAPTER CCXLII.

A Supplement to an act entitled "An act to establish a system of public instruction," (revision), approved March twenty-seventh, eighteen hundred and seventy-four.

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

Recital of section to be amended.

"95. The treasurer of the state, upon the order of the state superintendent of education, is hereby authorized and directed to pay over the sum of twenty dollars out of any money that may be in the public treasury to every school district, which shall raise by subscription a like sum for the same purpose, to establish within such district a school library, and to procure philosophical and chemical apparatus; and the further sum of ten dollars annually, upon a like order, to the said district, upon condition that they shall have raised by subscription a like sum for such year, for the purposes aforesaid," be amended to read as follows:

Amendment.
State Treasurer to pay upon the order of state superintendent of education.

95. The treasurer of the state, upon the order of the state superintendent of education, is hereby authorized and directed to pay over the sum of twenty dollars out of any money that may be in the public treasury to every public school for which there shall have been raised by subscription or entertainment a like sum for the same purpose, to establish in such school a school library, and to procure philosophical and chemical apparatus; and the further sum of ten dollars annually upon a like order, to the said public school, upon condition that there shall have been raised by subscription or entertainment a like sum for such year, for the purposes aforesaid.

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

Approved April 5, 1878.

CHAPTER CCXLIII.

An Act for the preservation of fish in the county of Atlantic.

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, either by day or night, to put, place or haul any gill-net, drift-net, or other net or seine of any kind whatsoever, for the taking or catching of fish or eels in any of the waters of this state within the county of Atlantic, and northwardly from the northerly side of Great Egg Harbor inlet and southwardly from the southerly side of Little Egg Harbor inlet, between the first day of June and the first day of September in any year.

Fishing in certain waters prohibited during a certain season

2. *And be it enacted*, That any person or persons who shall offend against either of the provisions contained in this act, shall, upon conviction thereof before any justice of the peace, be punished by imprisonment in the common jail of the county for the term of ten days, or by a fine of twenty dollars and costs for each and every offence, one-half of said fine to be paid by said justice to the fish warden or other person making the complaint, and the balance to the person or persons furnishing material evidence toward conviction, or if said fish warden or complainant be the only witness, he shall receive said balance of fine; and when any fine or imprisonment is imposed by virtue of this act, the offender or offenders shall stand committed until fine and costs are paid.

Penalty.

Fine, how applied.

3. *And be it enacted*, That if any person or persons shall be found making use of any boat, seine, net, gill, drift, anchor or sink nets, fixed nets, trap, pot, pound, fike, wier or other apparatus or tackling in any of the aforesaid waters within the jurisdiction of the state, contrary to the true intent and meaning of this act, he or they so offending shall, in addition to the fine and penalties aforesaid, forfeit the boat or boats, seine or seines, net or nets, gill or gills, drift or drifts, anchor or sink net or nets, or fixed net or nets, trap or traps, pot or pots, pound or pounds, fike or fikes,

Boats and other apparatus forfeited in addition to fine, &c.

wier or wiers, or other apparatus or tackling so made use of, and it shall be the duty of all the sheriffs, constables and fish wardens, and may be lawful for any person or persons to seize and secure any such boat, seine, net, gill, drift, anchor or seine net, fixed net, trap, pot, pound, fike, weir or other apparatus or tackling as aforesaid, and immediately thereafter give notice to some justice of the peace of the county of Atlantic where such seizure shall have been made, and such justice is hereby required and empowered, at such time and place as he shall appoint for the trial thereof, to hear and determine the same in a summary manner, and in case the same shall be condemned, it shall be sold by the order and under the direction of the said justice, who, after deducting all legal costs and charges, shall pay one-half of the proceeds of said sale to the collector of the county of Atlantic, and the other half to the person who shall have seized and prosecuted the same.

Justice of the peace to hear and determine tr. al.

Proceeds of sale, how applied.

Repealer.

Proviso.

4. *And be it enacted*, That all acts or parts of acts inconsistent with this act, in so far as they are inconsistent herewith, be and the same are hereby repealed, and that this act shall take effect immediately; *provided*, that nothing in this act shall be construed to prevent fishing with seines in Great Bay, Rainbow Bay, Great Egg Harbor or Mullica river.

Approved April 5, 1878.

CHAPTER CCXLIV.

An Act to establish boards of excise commissioners in certain cities of this state.

Nomination and appointment of excise commissioners.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That there shall be in and for all cities in this state of one hundred thousand inhabitants and over, a board of excise commissioners, which shall consist of three legal voters of said city, to be nominated by the mayor and confirmed by the common council or board of aldermen

of said city, whose term of office (except as to the persons first constituting said board) shall be three years, and who shall each receive for their services such annual salary, not to exceed the sum of five hundred dollars, as the said common council or board of aldermen may fix or determine.

2. *And be it enacted*, That all licenses for the sale of strong and spirituous liquors, wine, ale and beer within the limits of said city, shall be granted by said board of excise commissioners; and said board shall have the power to grant license to any person or persons of good moral character who shall be approved of by them, permitting him or them to sell and dispose of at any one named place within such city, strong and spirituous liquors, wines, ale and beer in quantities less than five gallons at a time, upon receiving a license fee to be fixed by said board; and there shall be hereafter a separate license granted for the sale of ale and beer, and another for the sale of spirituous liquors and wines; and the license fee for selling ale and beer shall be thirty dollars, and the license fee for selling spirituous liquors and wines shall not be less than fifty dollars or more than one hundred dollars for each license; such licenses shall only be granted on written application to the said board, signed by the applicant or applicants, specifying the place for which license is asked, and the license shall be kept displayed by being hung up by the person or persons licensed, in a conspicuous position in the room or place where his or their sales are made; any omission so to display and exhibit such certificate shall be presumptive evidence that any person or persons omitting to exhibit and display the same has and have no license; the said board of excise commissioners shall keep a complete record of the names of all persons licensed as herein provided, with a statement of the place licensed, and license fee imposed and paid in each case; which record they shall at all times permit to be seen in a convenient place at their office in said city; persons not licensed may keep, and in quantities not less than five gallons at a time, sell and dispose of strong and spirituous liquors, wines, ale and beer in said city; *provided*, that no part thereof shall be drank or used in the building, garden or inclosure communicating with, or in any public street or place contiguous to the building in which the same is kept, disposed of or sold.

Term of office.

Compensation.

Board of excise empowered to grant licenses.

License fee.

Licenses to be granted only on written application to the board.

Commissioners shall keep a record of names of all persons licensed by them.

Persons may sell without license.

Proviso.

Mayor to nominate three legal voters as members of board.

Nominations to be confirmed or rejected at once.

In case of rejection.

Term of office of persons first constituting said board.

One member to be nominated annually.

Proceedings in case of refusal to nominate or of refusal to confirm.

3. *And be it enacted*, That the mayor of said city shall nominate to the common council or board of aldermen of said city, at their first regular meeting held after the first Monday in May, eighteen hundred and seventy-eight, three legal voters of said city as members of said board for the term to expire as hereinafter mentioned; all nominations made to the common council or board of aldermen by the mayor under the provisions of this act shall be confirmed or rejected by said common council or board of aldermen at once; and in case of the rejection of such nominees, or any of them, the mayor shall continue so to nominate one, two or three persons, as the case may be, until the nominations are confirmed and the board is complete.

4. *And be it enacted*, That the term of office of the three persons first constituting said board shall be determined by lot, one to remain in office until the first Tuesday after the first day of May, in the year eighteen hundred and seventy-nine, another to remain in office until one year thereafter, and the third to remain in office until the first Tuesday after the first day of May in the year one thousand eight hundred and eighty-one; and that in the month of May in the year eighteen hundred and seventy-eight, and in the month of May in each and every year thereafter, the mayor of said city shall nominate to the said common council or board of aldermen a legal voter of said city to be a member of said board for the term of three years, from the first Tuesday after the first day of May of the following year; when, in case of the failure or refusal of the mayor to nominate or of the common council or board of aldermen to confirm, or for any other reason, the time for the commencement of any term of office of any member of said board as aforesaid shall pass by without a new appointment having been made and confirmed, then the members of said board for the preceding term shall hold over, and perform all the duties of commissioners of excise until a new appointment shall be made and confirmed and such new member shall qualify; in case of a vacancy in said board, by reason of death, resignation, failure to qualify according to law or otherwise, the said mayor shall nominate to the said common council or board of aldermen some eligible person or persons to fill said vacancy or vacancies, and the person or persons nominated and confirmed to fill said vacancy or vacancies shall be members of the board for the

remainder of the then unexpired term, and may hold over as above provided.

5. *And be it enacted*, That the said board shall meet regularly each and every week, and more frequently if necessary, for the purpose of receiving and passing upon applications for license, and for transaction of such business as may properly come before them, and shall keep or cause to be kept full and complete records and minutes of the doings of the said board at each meeting held by them, in a proper book or books, which said book or books shall, except when the said board are in session, be kept in the office of the city clerk of said city, and shall be open to the inspection of the mayor and common council, or board of aldermen of said city, and the officers of any department of the city government when required, and subject to such other provisions as the common council or board of aldermen may ordain; said board may appoint one of their own number to be president of the board, and may adopt such by-laws for the government of the board as they may deem proper; the said common council or board of aldermen shall provide such room or rooms for the use of said board as the said common council or board of aldermen may seem best, and fit up the same, and furnish all the books, blanks and stationery, license certificates, and other things necessary for the transaction of the business of said ward; said common council or board of aldermen shall, from time to time, appoint some suitable person to be inspector of excise, whose duty it shall be to faithfully and thoroughly inspect all places where strong and spirituous liquors, wines, ale or beer are sold within said city, and promptly report to the said board the names and places of business of all persons who are selling without the license of the board, or who may violate any of the provisions of this act, and to perform such other duties as may be required of him by said board, or by the said common council or board of aldermen, who shall have power by ordinance or by resolution to more fully define or prescribe the duties of said inspector; the common council or board of aldermen shall fix the compensation to be paid to said inspector, and he may be removed from office by them at any time; the city clerk of said city shall be the clerk of said board; each person confirmed as a member of said board shall qualify within ten days thereafter (before he

Board shall meet each and every week. Records and minutes to be kept.

Appointment of president, &c.

Room to be furnished the board, books, blanks, stationery, &c.

Appointment of inspector of excise.

Compensation.

Each member of the board to qualify within ten days after his confirmation.

Bond, how approved.

Synopsis of act with rates of license fees to be printed, &c.

Term of license to be for one year.

License fees to be paid over to comptroller or treasurer each and every week.

Penalty for selling without license.

Selling or giving to minors prohibited.

enters upon the duties of his office), taking and subscribing such oath or oaths as the said common council or board of aldermen may prescribe, and shall also enter into and deliver to the city clerk a bond to the mayor and common council or board of aldermen of said city in the sum of five thousand dollars with two sufficient sureties, to be approved by the board of finance and taxation of said city.

6. *And be it enacted*, That said board shall cause to be printed in pamphlet or circulars this act or a proper synopsis thereof, together with the rates of license fees adopted by them, which pamphlets or circulars shall be kept in their office for distribution to suitable persons and for information and inspection, and a copy shall be given to each person to whom license shall be granted; each license shall be granted for one year only, and the full amount of the license fee shall be paid in when application is made for license in each case, and no license shall be granted by said board until the full amount of the license fee is paid to them by the person or persons applying for the same.

7. *And be it enacted*, That said board shall each and every week pay over to the comptroller or treasurer of said city the total amount received by them for license fees during said week, and at the same time present to the said comptroller or treasurer a complete statement and account in writing of all the licenses granted by them during said week, the persons to whom granted, and the residence of said persons and the amount of the license fees paid in each case, the time when it was paid and when the license was granted, and whether it was for the sale of strong and spirituous liquors, or wines, or ale, or beer, and the place where the same was licensed to be sold.

8. *And be it enacted*, That whoever shall sell any strong or spirituous liquors, wines, ale or beer in quantities less than five gallons at a time at any place within said city without having a license therefor granted, as herein provided, shall forfeit and pay fifty dollars for each offence.

9. *And be it enacted*, That no inn, tavern, hotel, victualing house, or saloon keeper, or any other person licensed to sell any strong or spirituous liquors or wines, within the said city, shall sell or give away any such liquors or wine to any apprentice or to any minor under the age of eighteen

years, knowing or having reason to believe him to be such, Penalty.
under a penalty of ten dollars for each offence.

10. *And be it enacted*, That any police justice of said city shall have jurisdiction in the matter of all complaints for the violation of any of the provisions of this act, and shall have full power and authority to hear, adjudge and determine such complaints, and issue warrants and other processes, and impose the fines and penalties provided for in this act; and every police justice of said city shall make such return and payment of the fines and penalties and costs received by him in all matters coming before him under this act, as he is now required to make respecting fines, penalties and costs of suit paid to him under complaints for the violation of ordinances. Police justice to have jurisdiction.

11. *And be it enacted*, That all licenses heretofore granted in said city and now unexpired, on which the full fees required at the time of their granting have been paid, shall be valid until the time for which they were granted shall expire; *provided*, the holders of said licenses shall keep the same displayed and exhibit them as required in section two of this act, and provided they shall in other respects conform to the requirements of this act; and in case they shall violate any of the provisions of said section or any other provision of this act, they shall be subject to the penalties of said violations. Licenses unexpired, to be valid. Proviso.

12. *And be it enacted*, That all acts or parts of acts inconsistent with any of the provisions of this act, be and the same are hereby repealed; *provided, however*, that this act shall not in any way interfere with any existing board of excise commissioners provided for by the charter of any city of this state, or by any supplement thereto. Repealer. Proviso.

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

Approved April 5, 1878.

CHAPTER CCXLV.

A Further Supplement to an act entitled "An act to re-organize the courts of law," approved February ninth, eighteen hundred and fifty-five.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the first section of the supplement to said act, which supplement was approved March ninth, eighteen hundred and seventy-seven, and which now reads as follows :

Recital of section to be amended.

"1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever in any county in this state in which a counsellor at law, of not less than five years' active practice, shall have been appointed one of the judges of the court of common pleas, orphans' court and court of general quarter sessions of the peace for said county, and in which there shall be no law judge appointed as such, any person shall be charged, upon oath, before any justice of the peace, or police justice, or any other officer authorized by law to hear said charge in said county, with any offence now triable at law before the court of general quarter sessions of the peace of said county, and such person shall, in writing, signed by him or her, addressed to the prosecutor of the pleas of said county, waive an indictment and trial by jury and request to be tried immediately, it shall be the duty of the said prosecutor to apply to said judge, being such counsellor at law, for the immediate trial of such person; and said judge, unless he thinks the public interests will be benefited by denying such request, shall call a court of special quarter sessions of the peace, to be composed of himself and at least one other of the members of said court, which court is hereby empowered and required to try such person with all due speed, having regard to all the circumstances of the case, the public benefit, and the possibility of obtaining necessary witnesses, and to determine and adjudge the guilt or innocence of the person charged; and if such person

be acquitted by said court, he or she shall forthwith be discharged; if he or she shall plead guilty, or be convicted, said court shall thereupon forthwith render and record such judgment of imprisonment or fine, or both, as shall be authorized by law in case such person shall be duly indicted and convicted; and it shall be the duty of said prosecutor to attend on such trial in person or by deputy, and prefer to said court an allegation in writing, alleging the time, place and nature of the offence with which such person is charged, to which such person shall forthwith plead; and the proceedings for bringing such person to trial before said court, the accusation, plea, trial and sentence shall be in conformity with the law and practice heretofore, except so far as the same is altered by this act; and the costs of all proceedings in said court under this act shall be taxed and be paid in the same manner as costs of proceedings upon indictments found in the court of oyer and terminer and general jail delivery of said county are now taxed and paid, but not including any costs of indictment, except the fees of the prosecutor of the pleas, which shall be the same," be amended as follows:

Recital continued.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever in any county in this state in which a counsellor at law, of not less than five years of active practice, shall have been appointed one of the judges of the court of common pleas, orphans' court, and court of general quarter sessions of the peace for said county, and in which there shall be no law judge appointed as such, or wherever in any county there now is or there hereafter may be appointed a law judge, any person shall be charged, upon oath, before any justice of the peace or police justice, or any other officer authorized by law to hear said charge in said county, with any offence now triable at law before the court of general quarter sessions of the peace of said county, and such person shall, in writing, signed by him or her, addressed to the prosecutor of the pleas of said county, waive an indictment and trial by jury, and request to be tried immediately, it shall be the duty of the said prosecutor to apply to said judge, being such counsellor at law, or law judge, as the case may be, for the immediate trial of such person; and said judge, unless he shall think the public interests will be benefited by denying such request, shall call a court of special quarter sessions of the peace, to be com-

Amendment.

Proceedings for trial in cases when the person charged waives an indictment and trial by jury.

Judge to call a court of special quarter sessions of the peace.

Prosecutor to attend trial in person or by deputy.

Costs, how taxed and paid.

posed of himself and at least one other of the members of said court, which court is hereby empowered and required to try such person with all due speed, having regard to all the circumstances of the case, the public benefit, and the possibility of obtaining necessary witnesses, and to determine and adjudge the guilt or innocence of the person charged; and if such person be acquitted by said court, he or she shall forthwith be discharged; if he or she shall plead guilty, or be convicted, said court shall thereupon forthwith render and record such judgment of imprisonment or fine, or both, as shall be authorized by law in case such person shall be duly indicted and convicted; and it shall be the duty of said prosecutor to attend on such trial in person or by deputy, and prefer to said court an allegation, in writing, alleging the time, place, and nature of the offence with which such person is charged, to which such person shall forthwith plead; and the proceedings for bringing such person to trial before said court, the accusation, plea, trial and sentence shall be in conformity with the law and practice heretofore, except so far as the same is altered by this act; and the costs of all proceedings in said court under this act shall be taxed and paid in the same manner as costs of proceedings upon indictments found in the court of oyer and terminer and general jail delivery of said county are now taxed and paid, but not including any costs of indictment except the fees of the prosecutor of the pleas, which shall be the same.

Approved April 5, 1878.

CHAPTER CCXLVI.

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

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

was amended by a supplement to said act, approved March eighth, eighteen hundred and seventy-seven, reads as follows :

“That all such town meetings held after said first day of January, one thousand eight hundred and seventy-seven, the several town and township committees to be voted for and elected in the said towns and townships shall consist of three persons in towns and townships containing less than two hundred legal voters, and in towns and townships having three hundred or more legal voters, shall consist of five persons; and the said committees, when duly elected, appointed and qualified, shall have power and authority to appoint one of their number to be the chairman of said committee, and one to be treasurer thereof; the chairman of the said committee shall preside at all the meetings thereof, and the clerk of the township shall act as clerk of said committee, and keep a record of the proceedings, and shall record the same in the town book; the treasurer of the said committee shall be the custodian of the moneys of such town or township, and all moneys which the said committee are by law authorized to receive and disburse shall be paid to him, and shall be held by him subject to the order of said committee, and paid out by him on their order; and he shall, when required, and at the end of his term of office, account to the said committee for the moneys received by him as such treasurer, and pay over the balance in his hands unexpended to such person as may be appointed to succeed him, on demand; and such treasurer shall give bond to the inhabitants of such town or township in such sum and with such sureties as the said committee shall approve, conditioned for the faithful discharge of the duties of his office, and for the payment by him, on demand, to his successor in office, or to such person as the said committee shall designate and appoint, of such moneys remaining in his hands not paid out on the order of said committee, and upon the further condition that such treasurer render at all times, when called upon by the said committee, and at the end of his term of office, a just and true account of all moneys received and paid out by him as aforesaid, which bond shall be filed in the office of the clerk of the county in which such town or township is, the same having been first approved by the said town committee, and such approval endorsed on said bond; *provided, however,* that the provisions of this act shall not

Recital of section to be amended.

Recital continued.	apply to any township which is divided into wards or districts, and in which some or all of the members of the township committee are elected from, in and by such wards or districts." shall be amended so that the same shall read as follows :
Amendment.	That at all such town meetings held after the passage of
Town and township committees to consist of three persons.	this act, the several town and township committees to be voted for and elected in the said towns and townships shall consist of three persons; and the said committees, when duly elected, appointed and qualified, shall have power and
Appointment of chairman and treasurer.	authority to appoint one of their number to be the chairman of said committee, and one to be treasurer thereof; the chairman of the said committee shall preside at all the meetings thereof, and the clerk of the township shall act as
Clerk of committee to keep record of proceedings.	clerk of said committee and keep a record of the proceedings, and shall record the same in the town book; the treasurer
Duty of the treasurer.	of the said committee shall be the custodian of the moneys of such town or township, and all moneys which the said committee are by law authorized to receive and disburse shall be paid to him, and shall be held by him subject to the order of said committee, and paid out by him on their order; and he shall, when required, and at the end of his term of office, account to the said committee for the moneys received by him as such treasurer, and pay over the balance in his hands unexpended to such person as may be appointed to succeed him, on demand; and such
Treasurer to give bond.	treasurer shall give bond to the inhabitants of such town or township in such sum and with such sureties as the said
Conditions of bond.	committee shall approve, conditioned for the faithful discharge of all the duties of his office, and for the payment by him, on demand, to his successor in office, or to such person as the said committee shall designate and appoint, of such moneys remaining in his hands not paid out on the order of said committee, and upon the further condition that such treasurer render at all times, when called upon by the said committee, and at the end of his term of office, a just and true account of all moneys received and paid out by him as aforesaid, which bond shall be filed in the office of the clerk of the county in which such town or township is, the same having been first approved by the said town committee, and such approval endorsed on said bond; <i>provided, however,</i> that
Proviso.	the provisions of this act shall not apply to townships in

counties of this state having one hundred thousand inhabitants or more by the last state census.

2. *And be it enacted*, That it shall be the duty of the clerks of the said townships in this state, at least twenty days before the annual town meeting in each year, to make out and cause to be published in such newspaper published in said township as has the largest circulation, or if no newspaper be published in said township, then in the newspaper published nearest to said township, in said county, and having the largest circulation, or in pamphlet form if the town committee shall so order, a full and complete account of the receipts and expenditures of the township committee for the preceding year, the amounts received and paid out by the township collector from all sources for account of the township or of the several school districts therein during the said year, the amount of taxes remaining unpaid, and the names of the delinquents.

Account of receipts and expenditures to be published each year, by clerks of townships.

3. *And be it enacted*, That if any township clerk shall neglect or refuse to make out and publish the account of the receipts and expenditures of the township committee, township collector, and of the unpaid taxes due the township, he shall forfeit and pay the sum of fifty dollars, one-half of which shall be recovered by action of debt by any person who shall bring suit for the same, and one-half to the treasury of such township; *provided*, that the provisions of this act shall not apply to any county having a population between fourteen thousand and twenty thousand inhabitants by the last census.

Penalty for neglect or refusal to publish account, &c.

Proviso.

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

Repealer.

Approved April 5, 1878.

CHAPTER CCXLVII.

An Act to defray the incidental expenses of the New Jersey Legislature for the session of one thousand eight hundred and seventy-eight.

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, viz :

Item No. 1. To A. H. Rickey, for parchment rolls and preparing oaths for officers and members of the senate and general assembly and governor, fifty dollars. \$50 00

Item No. 2. To Henry R. Mayer, for two reporters' tables furnished house of assembly, sixteen dollars. \$16 00

Item No. 3. To Ivins & Lalor, for carriages for committee on lunatic asylum, by order of the chairman, thirty-five dollars. \$35 00

Item No. 4. To Ivins & Lalor, for carriages for committee on industrial school for girls, by order of the chairman, twenty dollars. \$20 00

Item No. 5. To Naar, Day & Naar, for stationery furnished clerk of the house of assembly, seventy-three dollars and twenty cents. \$73 20

Item No. 6. To Naar, Day & Naar, for stationery furnished for sergeant-at-arms of the house of assembly, seven dollars and ninety-five cents. \$7 95

Item No. 7. To Abraham Swan, for work done in the bill room of the house of assembly, one dollar and fifty cents. \$1 50

Item No. 8. To John L. Murphy, for minute books and calenders furnished the house of assembly, by John Y. Foster, clerk, one hundred and twenty-one dollars. \$121 00

Item No. 9. To John P. Lansing, for services rendered the committee on treasurer's accounts, as approved by the committee, one hundred dollars.	\$100 00
Item No. 10. To R. J. B. Slack, for services rendered the committee accounts, as approved by the committee, one hundred dollars.	\$100 00
Item No. 11. To Ingalls & Company for Cushing's Legislative Guide, and stationery furnished the sergeant-at-arms, for use of members of the house of assembly, two hundred and seven dollars.	\$207 00
Item No. 12. To William H. Brown, for express charges on packages for the house of assembly, ten dollars and thirty cents.	\$10 30
Item No. 13. To W. H. C. Murphy, for paper, brushes, matches, and other incidentals for house of assembly, one hundred and seven dollars and ninety-three cents.	\$107 93
Item No. 14. To Anne Whalen, for washing spittoons for senate chamber and house of assembly, thirty dollars.	\$30 00
Item No. 15. To Ellen Meley, for cleaning senate chamber and house of assembly and committee rooms, one hundred dollars.	\$100 00
Item No. 16. To Addis Hays, for services at the extra session of the senate, thirty dollars.	\$30 00
Item No. 17. To Geo. W. Thompson, services as page at the extra session of the senate, twenty dollars.	\$20 00
Item No. 18. To John Voorhees, services as page at the extra session of the senate, twenty dollars.	\$20 00
Item No. 19. To Chas. A. G. Hutchinson, services as page at the extra session of the senate, twenty dollars.	\$20 00
Item No. 20. To Joseph C. Patterson, services as page at the extra session of the senate, twenty dollars.	\$20 00
Item No. 21. To John Barlow, for washing spittoons for senate chamber and house of assembly, one hundred dollars.	\$100 00

State treasurer
to pay certain
amounts.

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Item No. 22. To Mrs. John Barlow, for washing towels for senate chamber and house of assembly, twenty-five dollars.	\$25 00
Item No. 23. To Michael Nathan, Robert Hagerty, William Bryan, Charles Parker and Japhet Hann, for services as door keepers at the extra session of senate, eighteen hundred and seventy-seven, twenty dollars each.	\$100 00
Item No. 24. To Michael Nathan, Robert Hagerty, William Bryan, Charles Parker and Japhet Hann, for services at opening of the senate session, eighteen hundred and seventy-eight, ten dollars each.	\$50 00
Item No. 25. To John Y. Foster, J. Herbert Potts, Jonathan Goble, Thomas B. Starr, James J. Madden, John B. Fell, Wm. S. Potter, Samuel W. Bell, Edwin B. Smith, Augustus Fell and Earl Fendon, for services at opening the house of assembly, session of eighteen hundred and seventy-eight, ten dollars each.	\$110 00
Item No. 26. To Edwin Sutphin, for carriages for committee on lunatic asylum, by order of the chairman, twenty-five dollars.	\$25 00
Item No. 27. To Alpaugh & Thompson, for stationery furnished engrossing clerk of the house of assembly, three hundred and thirty-eight dollars and sixty cents.	\$338 60
Item No. 28. To the Daily Emporium for advertising notice to render bills to incidental committee, five dollars.	\$5 00
Item No. 29. To Walter T. Hutchinson, for services in bill room of house of assembly, two hundred and fifty dollars.	\$250 00
Item No. 30. To W. H. C. Murphy, for baskets, library steps, &c., furnished house of assembly, seven dollars and eighty cents.	\$7 80
Item No. 31. To Alpaugh & Thompson, for stationery furnished the clerk of the house of assembly, one hundred dollars and fifty-five cents.	\$100 55
Item No. 32. To John P. Lansing, for services as clerk to committee on incidental accounts, fifty dollars.	\$50 00

Item No. 33. To McAvoy Brothers, for stationery furnished the house of assembly, (and certified as having been received by John B. Fell, sergeant-at-arms), for the session of eighteen hundred and seventy-seven, one thousand three hundred and forty-seven dollars; "provided the same is approved by the comptroller."	\$1,347 00
Item No. 34. To the clergy of the city of Trenton, each ten dollars, for services in opening the sessions of the legislature with prayer, in the year eighteen hundred and seventy-eight.	
Item No. 35. To Solon R. Hankinson, for services as assistant engrossing clerk of the house of assembly, one hundred dollars.	\$100 00
Item No. 36. To Austin H. Patterson, for extra services as clerk of the house of assembly, two hundred dollars.	\$200 00
Item No. 37. To James Johnston, for services as clerk to committee on engrossed bills, four hundred dollars.	\$400 00
Item No. 38. To Naar, Day & Naar, for advertising notice to render bills to incidental committee, five dollars.	\$5 00
Item No. 39. To W. H. C. Murphy, for wrapping paper and matches furnished for house of assembly, six dollars.	\$6 00
Item No. 40. To the Jordan Stationery Company, for paper and mucilage furnished for sergeant-at-arms of the house of assembly, seven dollars and seventy-five cents.	\$7 75
Item No. 41. To the Jordan Stationery Company, for stationery furnished the house of assembly, as approved by the stationery committee, one thousand two hundred and ninety-six dollars and twenty-five cents.	\$1,296 25
Item No. 42. To Charles M. Jameson, for services as secretary of the senate at the extra session, eighteen hundred and seventy-seven, thirty dollars.	\$30 00
Item No. 43. To Naar, Day & Naar, for stationery furnished president of the senate, four dollars and ninety-five cents.	\$4 95

State treasurer
to pay certain
amounts.

State treasurer
to pay certain
amounts.

Item No. 44. To Naar, Day & Naar, for minute books and calendars furnished secretary of senate, sixty-six dollars and fifty cents.	\$66 50
Item No. 45. To Naar, Day & Naar, for stationery furnished the engrossing clerk of the senate, ninety-one dollars and eighty-six cents.	\$91 86
Item No. 46. To Naar, Day & Naar, for stationery furnished the sergeant-at-arms of the senate, eighty-seven dollars and forty-three cents.	\$87 43
Item No. 47. To John Simerson, for services as assistant secretary of the senate at the extra session, eighteen hundred and seventy-seven, thirty dollars.	\$30 00
Item No. 48. To A. B. McKeon, for services as journal clerk at the extra session of the senate, eighteen hundred and seventy-seven, thirty dollars.	\$30 00
Item No. 49. To David A. Bell, for services as private secretary to president of the senate at the extra session of the senate, eighteen hundred and seventy-seven, twenty dollars.	\$20 00
Item No. 50. To Alpaugh & Thompson, for stationery furnished to secretary of senate and committee on investigation of state prison, thirty-one dollars and ten cents.	\$31 10
Item No. 51. To Alpaugh & Thompson, for calendars furnished for the senate, as ordered previous to their organization by the secretary of the senate, one hundred and thirty-two dollars.	\$132 00
Item No. 52. To Alpaugh & Thompson, for clips and portfolios furnished for the senate, thirty-three dollars and thirty cents.	\$33 30
Item No. 53. To the Jordan Stationery Company, for stationery furnished as ordered for use of the senate, two hundred and sixty-nine dollars and seventy-five cents.	\$269 75
Item No. 54. To W. H. Hasbrouck & Company, for stationery furnished for secretary of the senate, five hundred and twenty-four dollars and fifty cents.	\$524 50

	State treasurer to pay certain amounts.
Item No. 54. To W. H. Hasbrouck & Company, for stationery furnished for the secretary of the senate, forty-seven dollars and ninety cents.	\$47 90
Item No. 55. To Charles M. Jameson, clerk of the senate, for express charges on boxes, five dollars and sixty-five cents.	\$5 65
Item No. 56. To John Carpenter, Jr., for services as calendar clerk at opening of session of the senate, eighteen hundred and seventy-eight, ten dollars.	\$10 00
Item No. 57. To John Carpenter, Jr., for services as calendar clerk of the senate at the extra session, twenty dollars.	\$20 00
Item No. 58. To Judson S. Hill, for services as calendar clerk, senate, at opening of the session of eighteen hundred and seventy-eight, ten dollars.	\$10 00
Item No. 59. To Judson S. Hill, for services as calendar clerk, senate, at extra session, twenty dollars.	\$20 00
Item No. 60. To Peter O'Connor, for expenses incurred for counsel fee in contested election case, O'Connor vs. McDonald, four hundred dollars.	\$400 00
Item No. 61. To T. J. McDonald, for expenses incurred and counsel fee in contested election case of O'Connor vs. McDonald, four hundred dollars.	\$400 00
Item No. 62. To Joshua S. Salmon, for expenses incurred and counsel fees in contested election case of Salmon vs. Cooper, five hundred dollars.	\$500 00
Item No. 63. To Cummins O. Cooper, for expenses incurred and counsel fees in contested election case of Salmon vs. Cooper, five hundred dollars.	\$500 00
Item No. 64. To C. O. Cooper and J. S. Salmon, each the amount of salary payable to members of the legislature, viz: five hundred dollars.	\$1,000 00
Item No. 65. To Alexander Jacobus, for expenses incurred and counsel fees in contested election case, of Ruh vs. Jacobus, five hundred dollars.	\$500 00

State treasurer
to pay certain
amounts.

Item No. 66. To E. T. Paxton, Master, in contested election case of Ruh <i>vs.</i> Jacobus, two hundred dollars.	\$200 00
Item No. 67. To Alexander Phillip, for expenses incurred and counsel fees in contested election case of Marsh <i>vs.</i> Phillip, six hundred dollars.	\$600 00
Item No. 68. To Charles Marsh, for expenses incurred and counsel fees in contested election case of Marsh <i>vs.</i> Phillip, six hundred dollars.	\$600 00
Item No. 69. To John H. Meeker, for taking deposition and for witness fees in contested election case of Marsh <i>vs.</i> Phillip, three hundred and eight dollars.	\$308 00
Item No. 70. To Richard Sutphin, for carriage hire for committee on prison investigation committee, three dollars.	\$3 00
Item No. 71. To William A. Smith, for expenses and mileage as witness in contested election case, Marsh <i>vs.</i> Phillip, nine dollars.	\$9 00
Item No. 72. To Naar, Day & Naar, for stationery furnished secretary of the senate, thirteen dollars and seventy-five cents.	\$13 75
Item No. 73. To E. A. Kingsland & Company, for certificates of passages of bills furnished for use of legislature, ten dollars.	\$10 00
Item No. 74. To each of the pages of the house of assembly, fifty dollars, for extra services.	
Item No. 75. To the sergeant-at-arms of the senate, one hundred dollars, and to the assistant sergeant-at-arms and each of the door keepers and pages of the senate, fifty dollars each.	
Item No. 76. To the sergeant-at-arms of the house of assembly, one hundred dollars, and to the assistant sergeant-at-arms and door keepers and pages, each fifty dollars.	

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

Approved, with the exception of Items Number 9, 10 and 74, April 5, 1878.

CHAPTER CCXLVIII.

A Supplement to an act entitled "An act to regulate the practice of courts of law," approved March twenty-seventh, eighteen hundred and seventy-four.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That hereafter no recognizance taken and acknowledged by any person or persons, in any suit, action or proceedings at law of a civil nature, shall bind the goods and chattels, lands and tenements and hereditaments of such person taking and acknowledging the same, until the clerk of the court in which such recognizance is filed shall cause the names of the persons so taking and acknowledging the same to be entered in a book to be kept for that purpose in the offices of the clerks of the different courts of this state, which book shall contain the names of such person or persons taking and acknowledging the same, and shall also contain the names of the person or persons in whose favor such recognizance is made, and shall be properly indexed, and to which the public shall at all times have free access; and the said clerks shall be allowed to charge the sum of ten cents for entering every recognizance in such book.

No recognizance in any suit of a civil nature shall bind goods lands, &c., until clerk of court in which such recognizance is filed shall cause names, &c., to be entered in a book in the offices of the clerks of the different courts of this state.

2. *And be it enacted*, That this act shall be deemed a public act.

Approved April 5, 1878.

CHAPTER CCXLIX.

A Supplement to the act entitled "An act regulating proceedings in criminal cases," (revision), approved March twenty-seventh, eighteen hundred and seventy-four.

Any two judges of court of quarter sessions in county where justice of supreme court does not reside, may let to bail or main prise, &c.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in all counties of this state wherein a justice of the supreme court shall not permanently reside, any two judges of the court of quarter sessions in and for such county are hereby authorized at their discretion to let to bail or main prise unto the next court of oyer and terminer and general jail delivery to be held in and for the said county, all persons who are or may be arrested or imprisoned in such county upon any charge founded upon the committing of or attempting to commit in such county, rape, arson, burglary, robbery, forgery, or suspicion thereof; *provided*, this act shall not apply to any county containing according to the last state census more than forty thousand inhabitants.

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

Approved April 5, 1878.

CHAPTER CCL.

An act to authorize the appointment of morgue keepers by the director of the board of chosen freeholders.

Director of board of freeholders may appoint morgue keepers.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the director of board of freeholders of each and every county in the state of New Jersey, where said director is elected by

the people at large, to appoint morgue keepers, and said appointment, when made, shall be made for five years from the date of said appointments, and shall be made in the following manner: in all cities in each and every county where the population exceeds one hundred thousand inhabitants, there shall be but two morgue keepers appointed; and in each and every city, town or township in such county, where the population is less than fifteen thousand inhabitants, and not over ten miles distant from the nearest morgue in said county, then all unknown dead shall be taken in charge by the nearest morgue keeper in said county, but when the distance exceeds ten miles, then it shall be the duty of the coroner elect, in such county where such unknown dead shall have come to his or her death, to take charge of said body and bury the same as the law directs.

When charge is to be taken by nearest morgue keeper in county.

2. *And be it enacted*, That each and every morgue keeper aforesaid shall, during the term of his office, furnish suitable room for holding each and every inquest that shall be held by the different coroners, and the rates for room rent in each inquest held shall be made by said board of freeholders.

Room to be furnished for holding inquest.

3. *And be it enacted*, That when such appointments shall be made, the officials making such appointments shall be careful to designate to each and every appointee his respective district, and any appointee who shall infringe on the rights of another appointee or morgue keeper, he shall not be paid out of the county treasury for such infringement.

Appointee to have his district designated by person making appointment.

4. *And be it enacted*, That the expenses incurred in the burial of any such dead shall be paid out of the county treasury by the different boards of chosen freeholders.

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

Expenses of burial, how paid.

Approved April 5, 1878.

CHAPTER CCLI.

An Act to amend "An act to provide for the regulation and incorporation of insurance companies," (revision), approved April ninth, eighteen hundred and seventy-five.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section four of "An act to provide for the regulation and incorporation of insurance companies," (revision), approved April ninth, eighteen hundred and seventy-five, which reads as follows :

Recital of section to be amended.

"When there shall exist in any city, borough or township of this state an organized fire department, and a charitable association or organization for the accumulation and disbursement of a fund for the benefit of disabled or incapacitated firemen or their families, all the moneys received by the secretary of state, as herein provided, as payment of the tax of two per centum upon the premiums received by the agents of foreign fire insurance companies within the limits of such city, borough or township, shall be received for the benefit of, and be appropriated and applied to the use of the charitable fund of the said fire department ; and the secretary of state, before the first day of April in each year, shall, upon due proof of the *bona fide* existence of such organization or association, pay over the sums by him received for the benefit of its charitable fund during the preceding year, as above provided, to the treasurer thereof, or to such other officer as may be duly authorized to receive the same, taking a proper receipt therefor," be and the same is hereby amended so as to read as follows :

Amendment.

Tax on premiums received by agents of foreign fire insurance companies, how applied.

4. When there shall exist in any city, borough or township of this state an organized fire department and one or more charitable associations or organizations for the accumulation and disbursement of a fund for the benefit of disabled or incapacitated firemen or their families, all the moneys received by the secretary of state, as herein provided as payment of the tax of two per centum upon the premiums

received by the agents of foreign fire insurance companies within the limits of such city, borough or township, shall be received for the benefit of, and be appropriated and applied to the use of the charitable fund of the said fire department; and the secretary of state, before the first day of April in each year, shall, upon due proof of the *bona fide* existence of such an organization, by the certificate of the president and clerk or secretary of the organized fire department in such city, borough or township, pay over the sums by him received for the benefit of said charitable fund during the preceding year as above provided, to the officer or officers of said organization designated in said certificate, taking a proper receipt therefor; that every organization receiving, or that have received such moneys as aforesaid, shall, annually, on the first day of April, file with the secretary of state a detailed statement of all investments made of said fund, the amount thereof, and a detailed statement of all expenditures made therefrom, showing the date thereof, the amount and the person to whom paid and for what purpose; and the said organized fire department, where there are two or more such organizations, may in case of neglect of any one to file such statement, or in case of misappropriation of said funds or of failure on the part of any such organization to expend said funds equally among all disabled or incapacitated firemen in said city, borough or township, direct such defaulting charitable organization to pay over all the funds received by it and unexpended according to law, to any other existing charitable organization for disabled or incapacitated firemen, named by said organized fire department, and may in case of refusal so to do sue for and recover such sums by suit in law or in equity, and when recovered shall pay over the same to the said charitable organization so named by them as aforesaid; *provided*, that nothing in this section contained shall require any organization now existing under any present or past volunteer fire department to pay any of its funds to any organization under any present or future paid fire department.

Secretary of state to pay over such sums as are received by him for benefit of fund upon proof of organization, &c.

Detailed statement of investments made of said fund to be filed with secretary of state.

Proviso.

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

Repealer.

Approved April 5, 1878.

CHAPTER CCLII.

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

Additional ap-
propriation.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in addition to the appropriation for the support of the home for disabled soldiers, now authorized by law, the further sum of sixteen thousand dollars is hereby appropriated for the object contemplated in the act to which this is a supplement.

Sum to be ex-
pended under
direction of the
managers, &c.

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

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

Approved April 5, 1878.

CHAPTER CCLIII.

A Supplement to an act entitled "An act constituting 'district courts,' in certain cities in this state," approved March ninth, eighteen hundred and seventy-seven.

Warrant of ar-
rest not to be
vacated or set
aside except by
a justice of su-
preme court.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That no warrant for the arrest of, or execution against the body of, any defendant issued out of any district court, or any of the proceedings in relation

thereto, shall be reviewed, set aside or vacated, except by a justice of the supreme court, upon application to such justice, after reasonable notice to the plaintiff of an application for that purpose.

2. *And be it enacted*, That in all cases in any of the district courts of this state, unless a demand for a trial by jury should be made at least one day before the time fixed for the trial, the demand for trial by jury shall be deemed to be waived, but the judge of any such court, may in his discretion, grant a venire notwithstanding the failure of demand as hereinbefore specified. When trial by jury shall be deemed to be waived.

3. *And be it enacted*, That the clerk of any district court in this state may, in the absence of the judge thereof, adjourn the trial of any cause depending therein, in like manner as the judge of said court might do if present. When clerk may adjourn trial.

4. *And be it enacted*, That the forty-ninth section of said act, which is in the words following, to wit:

"49. *And be it enacted*, That in cases of trial by jury, there shall be no judgment of non-suit or discontinuance after the merits of the cause on either side are submitted to the jury, unless by the consent of both parties," be and the same is hereby repealed. Recital of section to be repealed. Repealer.

5. *And be it enacted*, That the constable who, by virtue of an execution, issued out of any district court, levies on any goods and chattels, shall give notice by advertisements signed by himself, and put up in three of the most public places in the township or ward where they were taken, of the time and place they will be exposed to sale, at least five days before the time appointed for selling them, and therein describe the goods and chattels so taken. Constable shall give notice of sale, &c.

6. *And be it enacted*, That in all cases where any constable shall, by virtue of any writ of execution or attachment, issuing out of any district court, levy on, attach or take into his possession any goods or chattels which shall be claimed by notice in writing, delivered to said constable by any other person, than the defendant, he shall, immediately upon such claim, delay his sale of the same for the space of ten days, that the said claimant may, within the said term, apply to the judge of such court for a venire to summon a jury of six lawful men as jurors, to try the right of such claimant to such property; and it shall be lawful for such judge to issue the same, and direct a return thereof to be to him made, and Constable to delay sale in case of goods attached, being claimed by other person than defendant.

Right of claimant to be tried by a jury.

When claim shall be considered abandoned.

Copy of summons affixed to premises to be a lawful service when admission is denied.

Stay of proceedings for perfecting appeal.

Recital of section to be amended.

Amendment.

Judge not prohibited from practicing, &c.

Clerk not to receive pay for drawing certain papers to be used in court of which he is clerk.

to proceed therein as in other cases of trial by jury ; but the claimant shall, in all cases, give notice in writing to the plaintiff of the time and place of the said trial ; but if the said claimant shall not, within ten days, apply to said judge and have his right tried, as aforesaid, the said claim shall be considered abandoned, and the constable shall proceed as if it had not been made, and shall not be liable in any action for trespass therefor thereafter.

7. *And be it enacted*, That in all actions brought under said act for the removal of tenants, where admission to the dwelling or premises occupied by the tenant is denied to the officer attempting to serve a notice of demand for the payment of rent or surrender of premises or a summons, it shall be a lawful service of such notice or such summons if the said officer shall post or affix a copy of the same upon the door or other conspicuous part of such dwelling or premises, and the said officer shall make return of such service accordingly.

8. *And be it enacted*, That of the stay of proceedings in cases of appeal, provided for in the one hundred and seventy-first section of said act, shall not exceed the time provided by law for perfecting such appeal, or such further time as the judge of such district court shall grant for perfecting such appeal, and if any appeal shall not be perfected within the time aforesaid, execution may issue in like manner, and be proceeded upon as though no appeal had been taken.

9. *And be it enacted*, That section one hundred and eighty-two of said act, which is in the words following, to wit :

“That the judges of said courts shall not be allowed to practice in the court of common pleas of the county wherein said courts may be established,” be and the same is hereby amended so that the same shall read and be in the words following, to wit :

That no judge of any district court in this state shall be prohibited by reason of his office from practicing in any court of this state, except in the court of common pleas of the county wherein said district court is or may be established, in cases of appeals taken from said district court.

10. *And be it enacted*, That it shall not be lawful for the clerk of any court created by virtue of the act to which this is a supplement to receive any pay or reward for framing or drawing any state of demand, plea, rule of court, or other

pleadings, and which is to be used in the court of which he is the clerk.

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

Approved April 5, 1878.

CHAPTER CCLV.

An Act for the better security of depositors in savings banks.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall not be lawful, from and after the passage of this act, for any savings bank or other saving institution, whether chartered or incorporated under a general or special act of the legislature of this state, and any provision contained in the charter or any supplement thereto of such saving bank or savings institution to the contrary, to invest the moneys deposited with the same in any manner, except as follows, to wit:

I. In the stocks or bonds or interest-bearing notes or obligations of the United States, or those for which the faith of the United States is distinctly pledged to provide for the payment of the principal and interest thereof; Deposits, how invested.
Securities.
United States stocks or bonds.

II. In the interest-bearing bonds of this state; State bonds.

III. In the bonds of any state in the Union, that has not within ten years previous to making such investment by any such bank or institution, defaulted in the payment of any part of either principal or interest in any debt authorized by any legislature of such state to be contracted; Bonds of other states.

IV. In the stocks or bonds of any city, town, county or village of this state, issued pursuant to the authority of any law of this state; or of the cities of New York, Brooklyn and Philadelphia; or in any interest-bearing obligations (other than those commonly known as improvement certificates) Stocks or bonds of cities, &c., in this state.

issued by the city, town or borough in which such bank or institution shall be situated ;

Bonds and mortgages.

V. In bonds secured by mortgages, which shall be a first lien on real estate situate in this state, and worth at least double the amount loaned thereon, but not to exceed seventy per centum of the whole deposits shall be so loaned or invested ; but, in case the loan is on unimproved or unproductive real estate, the amount loaned thereon shall not be more than thirty per centum of its actual value ; and no investment in any bond and mortgage shall be made by any savings bank, except upon the report of a committee of at least three of the managers, directors or trustees of any such bank or institution, and a majority of which committee shall certify to the value of the premises mortgaged or to be mortgaged, according to their best judgment ; such report shall be filed and preserved among the records of the institution ;

Real estate.

VI. In real estate, strictly in accordance with the following provisions :

(a). A plot whereon is erected, or may be erected, a building or buildings requisite for the convenient transaction of its business, and from portions of which, not required for its own use, a revenue may be derived ; the costs of such building or buildings and lot shall in no case exceed fifty per centum of the net surplus of such corporation ;

(b). Such as shall have been purchased by it at sales upon the foreclosure of mortgages owned by such corporation, or upon judgments or decrees obtained or rendered for debts due to it, or in settlements effected to secure such debts ; and all such real estate mentioned in the last preceding clause in this sub-division shall be sold by such corporation within five years after the same shall have been so purchased, unless, upon application by such corporation to the state board, having the supervision of saving banks in this state, the same shall extend the time within which such sale shall be made.

Collateral securities.

2. *And be it enacted,* That hereafter it shall not be lawful for any saving institution in this state to loan the money on deposit with the same or any part thereof upon notes, bills of exchange or drafts, excepting upon the additional pledge of collateral security or securities, which collateral security or securities shall be of the same nature and char-

acter as those in which the money deposited may be invested as directed in the first section of this act, or the capital stocks of national and state banks or other corporations of this state, which have not defaulted in the payment of interest dividends within two years next preceding the time of such loan, and then only to the extent of ninety per centum of the par value of such collaterals; *and provided*, that the total amount of such loans shall not exceed fifteen per centum of the whole deposits held by such institution. Proviso.

3. *And be it enacted*, That a violation of any of the provisions of this act by any or either of the trustees, directors, managers or other officers of any savings bank or savings institution now existing within this state, shall be a misdemeanor, and upon conviction thereof, any person so offending shall be punished by a fine of not less than two hundred and fifty dollars nor more than one thousand dollars, or imprisonment for a term not exceeding two years, at the discretion of the court. Penalty for violation of any of the provisions of this act.

4. *And be it enacted*, That it shall be the duty of the trustees, managers or directors of every savings bank or institution to regulate the rate of interest or dividends, not to exceed five per centum per annum therewith, in such manner that depositors shall receive, as nearly as may be, all the profits of such corporation, after deducting necessary expenses and other payments, and reserving such amount as said trustees or managers may deem expedient as a surplus; *provided, however*, that the provisions of this act shall not apply to any safe deposit company now doing business under a special law of this state; nor shall it apply to any stock savings bank or institution where there is a subscribed capital and personal liability against stockholders. Rate of interest or dividends, by whom regulated. Proviso.

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

Approved April 5, 1878.

CHAPTER CCLVI.

An Act for the preservation of fish.

Fishing with
nets during a
certain season
prohibited.

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, either by day or night, to put, place or haul any gill, drift or other net or nets for the taking or catching of fish in any of the waters of this state (except as hereinafter provided) at any time between the fifteenth day of May and the fifteenth day of July, in each and every year, nor at any time whatever in any year from sunset on Saturday night until sunrise Monday morning.

Fishing with
net prohibited
during a certain
season in cer-
tain waters.

2. *And be it enacted*, That it shall not be lawful for any person or persons to put, place or haul any gill, drift or other net, at any time whatever, for the taking or catching of fish, between the first day of June and the first day of September, in any of the waters of the counties of Burlington and Atlantic.

Setting of net or
seine prohib-
ited during a cer-
tain time.

3. *And be it enacted*, That it shall not be lawful for any person or persons to set any net or seine of any description across any channel, thoroughfare, inlet, creek, or any other waters of this state, for the purpose of taking or catching of fish, at any time during the year, except between the first day of December and the first day of March in each and every year.

Provisions of
act not to apply
to fishing above
tide water, &c.

4. *And be it enacted*, That nothing contained in this act shall be held to apply to fishing above tide water in the waters of this state, nor to the use of purse nets for catching moss-bunkers in the waters of this state, nor shall any of the provisions of this act be held to apply to the waters of Barnegat bay, or its tributaries, north of a line from the north shore of Barnegat inlet to the Waretown dock, nor to the fishing of pounds or weirs in the waters of this state within one mile of the shore line of the county of Monmouth, nor to the waters which are subject to the jurisdiction of this state and the states of Pennsylvania and

Delaware; *provided, however*, that it shall not be lawful to fish with pounds or weirs in any of the waters of this state, except as provided for in this section. Proviso.

5. *And be it enacted*, That any person or persons who shall offend against either of the provisions contained in this act, shall, upon conviction thereof before any justice of the peace, either in the county in which said offence is committed or in which the offender resides or may be found, be punished by imprisonment in the common jail of the county where the conviction is had for the term of ten days, or by a fine of twenty dollars and costs for each and every offence, one-third of the said fine to be paid by said justice into the treasury of the state, one-third to the fish warden making complaint, and the balance to the person or persons furnishing material evidence toward conviction, or if said fish warden be the only witness, he shall receive said balance of fine; and when any fine or imprisonment is imposed by virtue of this act, the offender or offenders shall stand committed until fine and costs are paid. Penalty for offending against any of provisions of act.

6. *And be it enacted*, That if any person or persons shall be found making use of any boat, seine, net, gill, drift, anchor or sink nets, fixed nets, trap, pot, pound, fike, weir or other apparatus or tackling in any of the aforesaid waters within the jurisdiction of the state, contrary to the true intent and meaning of this act, he or they so offending shall, in addition to the fine and penalties aforesaid, forfeit the boat or boats, seine or seines, net or nets, gill or gills, drift or drifts, anchor or sink net or nets, or fixed net or nets, trap or traps, pot or pots, pound or pounds, fike or fikes, weir or weirs, or other apparatus or tackling so made use of, and it shall be the duty of all the sheriffs, constables and fish wardens, and may be lawful for any person or persons to seize and secure any such boat, seine, net, gill, drift, anchor or seine net, fixed net, trap, pot, pound, fike, weir or other apparatus or tackling as aforesaid, and immediately thereafter give notice to some justice of the peace of the county where such seizure shall have been made, and such justice is hereby required and empowered, at such time and place as he shall appoint for the trial thereof, to hear and determine the same in a summary manner, and in case the same shall be condemned, it shall be sold by the order and under the direction of the said justice, who, after deducting In addition to fine, boats, &c., may be forfeited.

Trial to be had before a justice of the peace.

- all legal costs and charges, shall pay one-half of the proceeds of said sale to the collector of the county in which such offence shall have been committed, and the other half to the person who shall have seized and prosecuted the same; *provided*, that nothing in this act shall be construed to prevent fishing with seines in the waters of Great Egg Harbor river, Rainbow bay, or Great Egg Harbor, lying within the county of Atlantic.
- Proviso.**
- Repealer.** 7. *And be it enacted*, That all acts or parts of acts inconsistent with this act, in so far as they are inconsistent herewith, be and the same are hereby repealed, and that this act shall take effect immediately.
- Approved April 5, 1878.

CHAPTER CCLVII.

Supplement to an act entitled "An act to establish a system of public instruction" (revision), approved March twenty-seventh, eighteen hundred and seventy-four.

- Preamble.** WHEREAS, The Metric Bureau of Boston, Massachusetts, of which the Hon. Charles Francis Adams is president, has offered to furnish metric weights and measures at a large reduction on the cost thereof, in order to encourage the general use of the same; therefore,
- Apparatus to teach metric system to be furnished every public school.** 1. BE IT ENACTED, *by the Senate and General Assembly of the State of New Jersey*, That the state superintendent of education, with the approval of the state board of education, is authorized and directed to place in every public school of this state applying for the same, one simplest set of apparatus to teach the metric system of weights and measures.
- Amount of appropriation.** 2. *And be it enacted*, That the sum of two thousand dollars is hereby appropriated out of any money, not otherwise appropriated, in the state treasury for the purposes of this act.
3. *And be it enacted*, That this act shall take effect immediately.
- Approved April 5, 1878.

CHAPTER CCLVIII.

An Act to establish standard packages for cranberries, to legalize the brand of the New Jersey Cranberry Growers' Association, and to prevent the marketing of this fruit in packages calculated to deceive the purchaser.

WHEREAS, The New Jersey Cranberry Growers' Association, Preamble. organized in the year eighteen hundred and seventy-three, and now numbering over one hundred cranberry growers of this state, have by a series of experiments determined that crates (or boxes) eight and three-eighths inches in width, by twelve inches in depth, by twenty-two inches in length, inside, clear measure, are of proper capacity to each hold, when pressed in suitably for transport, a rounded bushel of cranberries; and that barrels with heads sixteen and one-half inches in diameter, bilge eighteen and three-quarters inches in diameter and depth twenty-five and three-eighths inches, all inside measure, are of proper capacity to each hold, when pressed in suitably for transport, three rounded bushels of cranberries; *and whereas*, the packages above specified, marked with the brand of the association, have been practically approved by a large majority of prominent cranberry growers, and as many packages are used similar in appearance but of smaller capacity, and calculated to deceive the purchaser, therefore,

1. BE IT ENACTED *by the Senate and General Assembly* of the State of New Jersey, That crates (or boxes) and barrels of the measurements specified in the foregoing preamble shall be the legal and standard packages for buying and selling cranberries in this state, or for transporting said fruit to markets out of this state, and that the said brand as now made, which consists of the initials of the association (N. J. C. G. A.), with those of the manufacture of the package underneath in smaller letters and between two

Legal and
standard pack-
ages.

Standard brand

arrowheads, be and is hereby constituted the legal and standard brand for such standard package.

Brand or stamp to be furnished by state superintendent of weights and measures.

2. *And be it enacted*, That the state superintendent and inspector of weights and measures shall provide a brand or stamp which shall be used by manufacturers of crates (or boxes) and barrels in marking packages of the measurements specified in the foregoing preamble, and on application shall furnish said brand or stamp through the clerk of the county, or in such other manner as he may deem expedient; said brand or stamp to be as described in section one of this act, and shall be furnished at a cost not to exceed three and one-half dollars each to the manufacturer, who shall surrender the same to the officer from whom received, or to the state superintendent and inspector of weights and measures on demand; *provided*, that all brands heretofore furnished and duly authorized by the said New Jersey Cranberry Growers' Association may be held and used as if furnished by the said superintendent and inspector of weights and measures.

Cost of brand or stamp.

Proviso.

Inferior packages, how marked.

3. *And be it enacted*, That in case cranberries are bought, sold or sent to market in crates (or boxes) or in barrels of smaller capacity than those specified in the foregoing preamble, they shall be made to contain a certain number of sixteenths of said standard packages, and the number of sixteenths contained in each inferior package shall be plainly and conspicuously stenciled or marked upon the end of each crate (or box), and upon the head of each barrel, with the name of the package immediately following, as $\frac{1}{16}$, or $\frac{1}{8}$, or $\frac{1}{4}$, or $\frac{1}{2}$, standard crate or standard barrel, as the case may be, so that the actual size of such inferior package or packages, as compared with the legal standard, shall be distinctly shown by such mark.

Penalty for omitting to place proper mark on inferior packages.

4. *And be it enacted*, That the placing of said brand or stamp described in section one upon packages of a different capacity from those described in the preamble, or the omission to place the proper mark on inferior packages, as described in section three, shall be deemed a penal offence and shall, on conviction thereof, subject the offender to a fine of two dollars for each package made and marked in violation of the provisions of this act, and costs of proceedings; and whoever shall use packages for cranberries which do not conform to the provisions of this act shall, on conviction thereof, be subject to the same penalties.

5. *And be it enacted*, That the state superintendent and inspector of weights and measures is hereby authorized to appoint five special deputies for the enforcement of this act, who shall receive no compensation except such as may arise from fines and penalties imposed by this act, and who shall hold office during the official term of said superintendent and inspector, or until their successors are appointed and qualified.

Appointment of special deputies

6. *And be it enacted*, That it shall be the duty of said deputies to enforce the provisions of this act on view or information, by arresting and prosecuting offenders.

Duty of deputies.

7. *And be it enacted*, That any deputy who shall wilfully neglect the performance of the duties imposed by this act shall, on conviction thereof, be subject to a fine of twenty-five dollars.

Penalty for neglect of duty.

8. *And be it enacted*, That the fines and penalties imposed by this act shall be recoverable in an action of debt before any court of the state having jurisdiction, and that the fines and penalties so imposed shall be paid by the said court, one-half to the informant and one-half to the special deputy inspector prosecuting.

Fines, how recoverable and how applied.

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

Approved April 5, 1878.

CHAPTER CCLIX.

A Further Supplement to an act entitled "An act concerning cities," 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 it shall be lawful for any city within this state, by and through its common council or other legislative body, or its board of finance or finance department, from time to time, to borrow money for the use of such city to such aggregate amount as shall be sufficient to pay and fund such of the unfunded or floating indebted-

May borrow money to fund floating indebtedness.

ness of such city, at the time of the approval of this act, as has arisen from losses occurring upon the previous refunding of bonds of such city, or from improvements paid for by such city, and for which assessments cannot legally be made, or from deficiencies upon re-assessments made for improvements paid for by such city, and also the amount to fall due on all bonds of such city becoming due and payable within two years next succeeding the time of approval of this act, which aggregate amount shall be ascertained by such finance department in all cases where the same exists, and the disbursing officers of such city where such does not exist, and to issue the bonds of such city therefor, in the form and by the authority now prescribed in any such city, by any general or special law of this state, which bonds may be either registered or coupon bonds, or both, as may be determined by such finance department in all cities where such exists, and by the legislative body thereof in all cities where such finance department does not exist, such bonds to bear interest at a rate not exceeding seven per centum per annum, payable in not less than ten nor more than thirty years from date, as such finance department where it exists, and such legislative body where it does not exist, shall determine, which bonds shall be denominated "funded debt bonds;" *provided, nevertheless*, that such bonds shall not be sold for a less per centum of their par value than shall be determined by such board of finance where the same exists, or such legislative body where such finance department does not exist.

May issue bonds.

Rate of interest.

Proviso.

Act, how construed.

2. *And be it enacted*, That nothing in this act shall be construed as permitting the issue of bonds in any city of this state, the charter or supplements of which now limits the amount of the debt of such city.

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

Approved April 5, 1878.

CHAPTER CCLX.

An Act for the formation of borough governments.

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 a township in this state, embracing an area not to exceed four square miles, and containing a population not exceeding five thousand, may become a body politic and corporate, in fact and in law, whenever at a special election, to be called for that 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.

Extent of area and population which may be embraced in borough.

2. *And be it enacted*, That it shall be the duty of the chosen freeholder, or if more than one, then of one of the chosen freeholders of any township in which it is proposed to constitute a borough under this act, upon presentation to him of a petition for that purpose, setting forth the name and boundaries of the proposed borough, signed by persons owning at least one-tenth in value of the taxable real estate in the limits of the proposed borough, as the same appears upon the assessors' duplicate of the township, to call a special election to be held at some convenient place within the said proposed borough, by notice in writing under his hand, which notice shall contain an accurate description of the name and boundaries of the proposed borough, and state the object of the said election to be to vote for or against the incorporation of the said proposed borough under the provisions of this act; which notice shall be set up at least ten days previous to said proposed election, in five of the most public places within the said proposed borough limits, and published at least twice in a newspaper printed and published within the said proposed borough limits, if any, or if none so published, then in a newspaper printed and published in the county wherein said proposed borough is situated.

Chosen freeholder to call a special election on petition, to constitute a borough.

Notice of election to be given.

3. *And be it enacted*, That the said freeholder 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

Appointment of clerk and inspectors of election.

proposed borough, 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 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 a 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 as 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.

4. *And be it enacted*, That on the first Tuesday of October next after the filing of the certificate of the result of the election aforesaid in the office of the clerk of the county, and on the first Tuesday of October annually thereafter, the legal voters of said borough shall assemble at some convenient place in the said borough, at the hour of two o'clock in the afternoon, and those so assembled may, by viva voce vote, proceed to elect a judge and two inspectors, to conduct an election for a mayor and six councilmen, being residents and legal voters in said borough, who shall constitute the council of said borough; at the first election two councilmen shall be elected for one year, two for two years, and two for three years, and two councilmen shall be elected annually thereafter to serve for two years; the mayor shall hold his office for one year.

5. *And be it enacted*, That the judges and inspectors so chosen, 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 the officers aforesaid; the said election shall be by ballot, and

Ballots.

Result of election to be certified.

Corporate name.

Election for mayor and councilmen to be held annually.

Term of office.

Judges and inspectors to take oath.

shall be conducted in the same manner as nearly as may be 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.

Election to be by ballot.

Time of opening and closing polls.

6. *And be it enacted*, That the clerk of the township wherein the said borough is situated shall give notice ten days previous to the first election under this act of the time and place of holding the same, by advertisements signed by himself and set up in five public places in said borough, and also published at least once in a newspaper printed and published in said borough, or in the county wherein said borough is situated; and of all subsequent elections the borough clerk shall give the like notice; *provided*, that after the first election the council may by ordinance fix a place for holding said elections.

Clerk of township to give notice of the first election.

Proviso.

7. *And be it enacted*, That after the first election, the mayor and council then elected shall assemble in some convenient place, and, having first taken and subscribed an oath or affirmation before some person authorized to administer an oath, well and faithfully to perform the duties of their respective offices, which oath or affirmation shall be filed with the borough clerk, shall proceed to appoint some suitable person, resident in the borough, to be borough clerk, who shall hold his office at the pleasure of the council, and shall attend all meetings of the council, keep a correct record of all their proceedings, and perform such other duties as the council may require of him or as may be directed by this act, and upon the appointment of his successor shall deliver to him all books, papers and property of the said borough in his possession; the mayor and council shall hold their respective offices until their successors are qualified; and every person elected as mayor or councilman shall take an oath or affirmation, as hereinbefore provided, before he enters upon the duties of his office.

Mayor and council to take and subscribe an oath.

Appointment of borough clerk.

Mayor and council to hold office until successors are qualified.

Mayor to have like jurisdiction in criminal matters as justices of the peace.

8. *And be it enacted*, That the mayor of said borough shall have by virtue of his office the same jurisdiction in criminal matters as is now possessed by justices of the peace, together with such other powers as may by this act be specially conferred upon him, and shall have power to arrest without process, or to issue his warrant for the arrest of any person guilty, or whom he may have reason to believe guilty, of any breach of the peace or violation of any ordinance of the said the mayor and council of the borough of _____, and to try and determine all causes and complaints aforesaid, and is hereby authorized and empowered to commit any person so offending to the lock-up of the said borough for any time in his discretion, not exceeding ten days, or to impose a fine not exceeding twenty dollars, or both; he shall keep a record in a book to be provided for that purpose, of all proceedings and convictions before him under this act, and shall hold all fines and penalties subject to the order of the council; all writs or warrants by him issued may be directed to one of the marshals of the borough or to any constable of the county, who shall duly execute the same.

Quorum.

9. *And be it enacted*, That the mayor and council shall meet at such time and place as they may by their by-laws direct, and three members of the council and the mayor shall constitute a quorum for the transaction of business, but a smaller number may meet and adjourn from time to time; all meetings shall be presided over by the mayor, but he shall not vote except to give the casting vote in case of a tie; in the absence of the mayor, four members of the council shall constitute a quorum, one of whom may be appointed to preside.

Presiding officer.

Mayor to appoint marshals of the borough.

10. *And be it enacted*, That the said mayor and council shall have power to appoint and remove at pleasure one or more special officers to be known as marshals of the borough, who shall have the same power and authority in criminal matters in the said borough as is or may be vested in constables in the township where said borough is situated, and shall have power to arrest and bring before the mayor of said borough any person guilty of the offences specified in section eight of this act, to be dealt with according to the provisions of this act, and the said marshals before entering upon the duties of their office shall take an oath or affirma-

tion well and faithfully to perform and discharge the duties thereof.

11. *And be it enacted*, That the said mayor and marshals Fees to mayor and marshals. in all criminal proceedings and in all arrests, proceedings and convictions under this act shall have and receive the same fees as are by law allowed to justices of the peace and constables for the like services, and in cases of offences punishable by the mayor under this act the sentence may be that the offender also pay the costs in addition to fine or imprisonment, and the mayor may issue his warrant to levy and make the fine or costs, or both, as the case may be, of the goods and chattels of the offender, and in other cases said costs shall be recovered in like manner as in criminal cases before justices of the peace.

12. *And be it enacted*, That the mayor and council of said General powers borough shall have power

I. To make such by-laws and rule for their government To make by-laws, &c. as are not inconsistent with the spirit and intention of this act, the constitution and laws of this state or of the United States;

II. By their title "the mayor and council of the borough To make and repeal ordinances." to pass, enforce, alter or repeal ordinances to take effect within the limits of said borough for the following purposes, to wit:

1. To declare what shall be considered nuisances in the To declare nuisances. streets, roads, lots and places in said borough, and to prevent and remove all obstructions, incumbrances and nuisances in and upon any street, road, lot, sidewalk, inclosure or other place in said borough;

2. To prevent horses, cattle, sheep, swine, dogs, goats To prevent animals running at large. and other animals from running at large in said borough, and to provide for the impounding and sale of the same;

3. To prevent immoderate or fast driving on the streets To prevent fast driving. or roads, and to prevent cruelty to animals;

4. To prevent riots, disturbances and disorderly assem- To prevent riots and suppress gaming. blages in the streets or in any house or place in said borough, to prevent and suppress all gaming houses and houses of ill fame, and to prohibit gaming for money or other valuable thing, to restrain or punish indecent or disorderly conduct or drunkenness and restrain and punish all street beggars, mendicants, tramps and common prostitutes, and to suppress vice and immorality;

- To provide for protection of property from fire. 5. To provide means for extinguishing fires in said borough, and for the protection of property in said borough from destruction by fire;
- Licenses. 6. To provide for the licensing or prohibiting of hawkers, peddlers and petty chapmen, and of restaurants, oyster cellars, bowling alleys or billiard saloons;
- Lighting streets 7. To provide for lighting the streets of said borough and to furnish lamps for the same;
- To provide for a lock-up. 8. To provide for the erection, purchase or renting of a suitable building or place to be used as a lock-up for said borough, and for the safe and proper keeping and care of the persons confined therein;
- To provide for good order &c. 9. To provide generally for the peace, quiet and good order of said borough, and the welfare and protection of persons and property therein;
- To appropriate money, &c. III. To appropriate from time to time from the moneys raised for borough purposes as hereinafter provided or received from any other source such sums as may be necessary for the proper carrying into effect of the provisions of this act.
- Legal voters to determine by ballot amount of money to be raised each year for borough purposes. 13. *And be it enacted*, That the legal voters of the said borough, at each election for mayor and councilmen under this act, shall, by vote and upon the same ballot used in voting for the officers aforesaid, designate an amount of money to be raised for borough purposes, not to exceed fifteen hundred dollars in any one year, which sum so designated, being certified upon the returns of said election, shall be assessed and collected, under the name of borough tax, by the same officers and at the same time and in the same manner as township taxes are or may hereafter be collected by law; *provided*, the same shall be assessed only upon the taxable property, real and personal, within the borough limits; and the moneys so raised shall be paid out by the township collector, upon the warrant of the council, signed by the mayor and attested by the borough clerk; and if any township collector, at the expiration of his term of office, shall have in his hands any balance of such moneys, he shall turn the same over to his successor in office; said township collectors shall be responsible, upon their official bonds as township collectors, for said moneys by them collected or received, and the assessors and collectors shall receive the same fees for assessing and collecting said borough tax as
- Borough tax, how assessed and collected.
- Proviso.

they may be entitled by law to receive for assessing and collecting township tax; if any person shall think himself or herself aggrieved by any assessment or taxation made or levied under this act, he shall have the same remedy, by appeal or certiorari, as in the case of township taxes.

14. *And be it enacted*, That all ordinances passed by the said mayor and council shall be submitted in writing at a regular meeting, and acted upon at a subsequent meeting, and, when adopted, shall be recorded in full by the borough clerk in a proper book to be kept for that purpose, and advertised by copies set up in at least ten public places in said borough, at least one week before the time appointed for the same to go into effect, or published in a newspaper printed and published in said borough, at least one full week previous to said time, and every such ordinance shall clearly specify the time when the same shall go into effect.

Ordinances passed to be recorded in full.

15. *And be it enacted*, That the mayor and council shall receive no compensation for their services under this act; the borough clerk and marshals shall be paid such salary as the mayor and council may fix upon, saving to the said mayor and marshals the fees allowed by law in criminal cases as aforesaid.

Compensation not allowed mayor and council.

Salary of clerk and marshals.

16. *And be it enacted*, That if any vacancy shall occur in the office of mayor or in the council, said vacancy may be filled by the council until the next annual election, when, if the vacancy be in the council, the election for that vacancy shall be for the unexpired term only of the person who left said vacancy.

Vacancies, how filled.

17. *And be it enacted*, That if any person shall unlawfully vote, or attempt to vote, at any election under this act, or shall advise, aid and solicit or procure any other person or persons so to do, or shall unlawfully interfere with or influence, or attempt to influence, the result of any such election, he shall be deemed guilty of a misdemeanor, and subjected to the same punishment provided by law for the like offences at any election for members of the legislature of this state.

Penalty for illegal voting.

18. *And be it enacted*, That nothing in this act contained shall be held to interfere or conflict with the powers and duties of any of the township committees or officers of the township wherein any such borough may be created as aforesaid, except as herein specially mentioned; nor shall this act be held or taken to authorize the laying out, opening or

Not to conflict with powers, &c., of township committee

altering of any street or road in the limits of any borough, or the changing of the grade of any such street or road.

Legislature may by special statute erect borough.

19. *And be it enacted*, That if the legislature shall, by any special statute, name, lay out and designate the boundaries of any borough not exceeding in area and population the limits specified in section one of this act, said borough so designated by the legislature shall be held and taken to be a borough for the purposes of this act in the same manner as if the question of incorporation had been voted upon at a special election called for that purpose, as provided in section two of this act, and a certificate of said election filed with the clerk of the county as aforesaid; and the inhabitants of said borough so erected by the legislature may forthwith, at the time and in the manner mentioned in this act, proceed to elect a mayor and council, and assume and enjoy all the privileges granted by this act; and any borough laid out or designated as aforesaid by the legislature since the twentieth day of March, eighteen hundred and seventy-eight, not exceeding in area and population designated by this act, shall be held and taken to be a borough under this act.

Expenses of holding first election to be borne by petitioners.

20. *And be it enacted*, That the expenses of advertising and holding the first election mentioned in section two of this act shall be defrayed and borne by the petitioners for said incorporation; the freeholder calling said election shall for his services be entitled to the sum of two dollars, and the judge and inspectors holding said election shall be entitled to receive the same fees as are allowed for like duties at state elections; the expenses of calling and holding the annual elections for officers of said borough shall be defrayed by the borough; and the township clerk for calling and advertising the first election shall receive the sum of two dollars, and at that and all subsequent elections the judges and inspectors shall receive the same fees as are allowed for like services at state elections.

Expenses of annual elections, by whom paid, &c.

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

Approved April 5, 1878.

CHAPTER CCLXI.

An Act authorizing the issue of bonds in anticipation of the collection of assessments.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That hereafter it shall be lawful for any city, town or township within this state, in any county having more than seventy-five thousand inhabitants by the last census, by and through the board of aldermen, common council or township committee of any such city, town or township, to provide for the raising and borrowing of money in anticipation of the collection of assessments for benefits for street or sewer improvement in any such city, town or township, either by temporary loans or by the issue of bonds, not to exceed twenty years to run, and to issue proper evidences of indebtedness or bonds therefor under the corporate seal of such city, town or township, to be signed by the mayor of such city or chairman of such town committee, which bonds shall have coupons attached for every half year's interest due, which coupons shall be signed by the said mayor or chairman, and numbered to correspond with the bond to which they shall respectively be attached, and all the bonds issued under this act shall be numbered, and a register of such numbers, the date of issuing and the time of payment, shall be made or caused to be made by the said mayor or chairman of said city, town or township in a book to be provided for that purpose. Loans in anticipation of collection of assessments authorized.
2. *And be it enacted*, That such bonds shall be issued in such sum or sums as the board of aldermen, common council or township committee shall by ordinance or resolution determine, which bonds shall be of the denomination of not less than fifty dollars or more than one thousand dollars, and shall bear interest at the rate of six per centum per annum, payable semi-annually; *provided, however*, that the whole amount of such bonds shall not exceed ninety-five per centum of the whole cost of such improvement, and shall not exceed May issue bonds.
- How executed.
- Denomination of bonds.
- Rate of interest.
- Proviso.

- Proviso. the amount of such assessment; *and provided further*, that said bonds shall not be sold for less than ninety-eight per centum of their par value.
- When bonds can be issued. 3. *And be it enacted*, That such bonds shall only be issued by such city, town or township, upon application in writing, by two-thirds of the resident owners of the property lying within the assessment area, to the said board of aldermen, common council or township committee for that purpose.
- Money received on account of assessments. how applied. 4. *And be it enacted*, That all moneys received as principal and interest on account of said assessments, for which said bonds shall be issued by the provisions of this act, are hereby pledged and appropriated to the sinking fund of such city, town or township, for the payment of the principal and interest of the bonds hereby authorized to be issued.
- Sinking fund to be provided. 5. *And be it enacted*, That the said board of aldermen, common council or township committee of any such city, town or township authorizing the issue of bonds as aforesaid, shall immediately provide a sinking fund for the purposes as directed in the preceding section; *provided*, that where there are commissioners of the sinking fund of any city, such sinking fund shall be under their management and control.
- Proviso. 6. *And be it enacted*, That the board of aldermen, common council or township committee, when application may be made as aforesaid, shall by ordinance or resolution provide for the payment of the said assessment in as many equal annual instalments as the said bonds shall be allowed to run, with interest at the rate of eight per centum per annum on said instalments, payable semi-annually, and the annual instalments and interest shall by the said owner or owners be paid to the treasurer of such city or township or to the person or persons authorized by law to receive the same, and shall by him or them be placed to the credit of the sinking fund aforesaid; and in case the said instalment or interest, or any instalment or interest, shall not be paid by the owner or owners of any lands lying within the assessment area aforesaid on any day whereon the same is made due and payable by said ordinance or resolution, then the said land and real estate may be sold for the amount of said assessment, or such part thereof as may remain unpaid, with interest, costs and expenses, according to the charter of the city, town or township, or the statute regulating the same,
- May provide for payment of assessments in equal annual instalments.
- Land, &c., may be sold on failure to pay any instalment or interest.

and the amount due thereon placed in the sinking fund for the redemption of the bonds aforesaid; if no one bids at such sale, the treasurer of the city or township shall buy in said land and real estate for the benefit of such city or township, as the case may be.

7. *And be it enacted*, That nothing in this act shall be construed as giving authority for the issue of bonds by any city the debt of which is now limited by law, and that this act shall take effect immediately. Act, how construed.

Approved April 5, 1878.

CHAPTER CCLXII.

A Further Supplement to an act entitled "An act to establish a system of public instruction," approved March twenty-seventh, eighteen hundred and seventy-four.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That wherever in the school districts of this state, except school districts in cities and towns of five thousand inhabitants and upwards, which said cities or towns have a common council, there may exist a board of education or trustees holding their charters by special act of the legislature and independent of any city charter, the district clerk shall be secretary of the board, and in addition to the duties as laid down in sections thirty-five and thirty-six of the act to which this is a supplement, he shall conduct the correspondence of the board, keeping copies of such letters as he may write, in some suitable manner, and filing all such letters and papers as the board may direct at their stated meetings; also, he shall notify the assessor of the amount of special tax to be assessed and collected in each and every year for the payment of the principal and interest of school bonds that may have been issued in such districts; also the amount of special tax to be assessed and collected to defray the incidental expenses of such schools during the year; and at the close of each year District clerk to be clerk of board of education. Duties of the clerk.

he shall present at the annual meeting for the election of trustees a report of the general financial state of the district, the condition of the school property, the school work during the year, the requirements for the year to come, and such other matters as may be needful to an intelligent understanding of the present state or which is desirable for the future promotion of public education in the district; and for such services he shall receive such compensation as the board may allow.

Board to fix compensation.

Election of treasurer.

Powers and duties of the treasurer.

2. *And be it enacted*, That at the annual election of officers of such board a treasurer may be elected from the members of the board, who shall receive from the collector of the township or townships in which such district is situated all moneys due said district from whatever source within ten days from the time when such moneys shall come into such collector's hands; and said treasurer shall disburse the same in the way and manner provided in section eighty-four of the act to which this is a supplement, and, within ten days after his election, he shall give such bonds for the faithful discharge of his duty as shall be acceptable to the town committee of the township in which the school house is situated, for double the amount that may come into his hands during any one year; and every year at the annual meeting for the election of trustees he shall present an itemized statement of the receipts and the expenditures of the year then closing; which statement, in conjunction with the annual report of the secretary, shall be published in the newspaper printed nearest to said district, or in such other manner as may be deemed best for the public good; and for his services he shall be entitled to receive the amount provided for the town collector for such disbursements in section eighty-four of the act to which this is a supplement.

Election of trustees or members of the board.

Proviso.

3. *And be it enacted*, That the election of trustees or members of such boards of education shall be held on the first Monday in June of each and every year; the terms of service of those then elected to begin the first Monday in July following, and that ten days' notice of said meeting for election of trustees shall be set up by the secretary in five of the most prominent places of the district; *provided, however*, that in all cases where the trustees of any district are elected at any municipal election, by virtue of any independent charter, the election for trustees in such district

CHAPTER CCLXIII.

An Act relative to the boundaries of aldermanic districts or wards in cities of this state.

Boards of aldermen to fix and regulate boundaries.

Proviso.

Repealer.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in cities which now have, or which may hereafter have, a population of not less than one hundred thousand, nor more than one hundred and twenty thousand, and having boards of aldermen, said boards of aldermen shall have the power, and are hereby vested with the power and right to fix, alter and regulate the boundaries of aldermanic districts or wards; *provided*, that nothing in this act contained shall be construed to in any way affect the terms of office of any officials heretofore elected by the people in such cities, and who may now be in office.

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

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

Approved April 5, 1878.

CHAPTER CCLXIV.

An Act concerning public improvements in certain cities of this state.

Authorized to issue improvement bonds.

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 proper authorities of any city having more than one hundred thousand and less than one hundred and

twenty thousand inhabitants according to the last state census, having charge of street improvements, be and the same are vested with power to issue twenty year improvement bonds upon the following conditions :

2. *And be it enacted*, That a majority of the resident property owners on any line of street, avenue or other highway within the corporate limits of such city, within the provisions of the first section of this act, applying by petition or otherwise for improvements, describing and setting forth the nature and extent of same, the corporate authorities, through the proper board, municipal officer or officers, or commissioners, shall have the same surveyed and assessed in the regular manner, and shall proceed at once to have the required improvement made and completed without unnecessary delay; *provided*, no such improvements shall be made over lands of the state, or which have been sold by the state or riparian commission, lying under water.

Conditions upon which bonds may issue.

Proviso.

3. *And be it enacted*, That the said improvement so applied for and ordered shall be advertised in the proper official newspapers for a period of thirty days, and in all respects shall conform to the regular manner of letting such work in such city.

Improvement applied for shall be advertised.

4. *And be it enacted*, That the proper authorities of such city shall pay for such improvements by the issue and sale of city bonds, which said bonds shall mature at a date of not less than twenty years from the date of their issuance, and which shall bear interest at the rate of six per centum per annum.

Sale of bonds for improvements.

5. *And be it enacted*, That to provide for the final payment or redemption of said bonds, the sum shall be secured to said corporation of such city by the assessments levied on the various lots, pieces or parcels of land benefited by the improvement, which said assessment shall be a first lien upon each and every of the property or properties so benefited, and shall bear interest at and after the rate of six per centum per annum on the principal, which principal shall be paid in instalments of five per centum per annum, with the accrued interest on the balance of assessment charged against the lots or parcel of land receiving the benefit of this act, until the whole shall be liquidated.

Final payment or redemption of bonds, how provided for.

6. *And be it enacted*, That in default of the payment of said five per centum of principal and six per centum interest

Proceedings in case of default of payment, &c.

as described in section five of this act, or any part thereof, upon the day and date prescribed for the payment of the same, then it shall be lawful for the proper authorities to take steps to collect the whole of said assessment and interest through the regular channel of collecting assessments in said city.

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

Approved April 5, 1878.

CHAPTER CCLXV.

An Act to authorize the laying out of an avenue in each city of this state not exceeding eighty feet wide, as provided in this act.

- Municipal board authorized to lay out avenue.
1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the municipal board in any city having power to lay out and open streets, shall have power hereafter to lay out and open one avenue in such city not exceeding eighty feet in width, without compliance with any of the provisions in the charter of any such city, and only upon compliance with the provisions of this act; *provided*, that the provisions of this act shall not apply to any city of this state having a population of more than one hundred and seventeen thousand or less than fifteen thousand by last United States census.
- When to be laid out.
2. *And be it enacted*, That such avenue shall only be laid out when it is to connect some avenue or street already laid out in said city with a street or avenue in an adjoining city; *provided*, that the provisions of this act shall not be construed to apply to any lands lying under water, nor to any grants or conveyances or leases made by the riparian commissioners.
- Proviso.
- Petition for improvement, by whom signed.
3. *And be it enacted*, That there shall be a petition for such improvement signed by twenty or more freeholders of such city, owning in the aggregate property in such city to

the amount of not less than one hundred thousand dollars ; that if upon the presentation of such petition, such municipal board shall order the improvement to be made, it shall be made forthwith ; the said board shall cause an estimate of the amount of the work to be done and the materials to be furnished to be made and advertise for bids to do said work, and award the contract therefor to the lowest bidder, but may reject any or all bids or repeal on failure of the contractor to give such bond or security as they may deem proper to secure the city.

Advertisement
for bids.

4. *And be it enacted*, That the municipal board having control of the finances of such city shall borrow a temporary loan or by bond, to run twenty years, either registered or coupon, such sum as shall be necessary from time to time to pay for awards for land to be taken and the expenses of such improvement, and these bonds shall be in such sum and in such form as said board may determine ; they shall bear legal interest and be sold at not less than par, and shall be signed by the mayor and city clerk, with the seal of the city ; the principal and interest of said bonds shall be paid by said board as they fall due, by the proceeds of collections of any assessment for such improvement, and any unpaid balance of principal or interest shall be raised by temporary loan, and this loan shall be paid by general tax.

May borrow
such sum as
shall be neces-
sary to pay for
awards for
land, &c.

5. *And be it enacted*, That when said board shall order said improvement to be made it shall refer the matter to commissioners of assessment to be appointed by said board, who shall ascertain the proper awards to be made for land taken, and such commissioners shall give notice by advertisement at least one week in one newspaper published in such city, (or if none is published in said city, then by a newspaper published in the county where such city is situate), to be designated by said board for a hearing of all parties interested, and after such hearing they shall award to the owners of land taken such sums as shall be just for their land taken by said improvement ; and they shall make a report and accompany it by a map showing each parcel of land taken by the improvement and the owners' names thereof as far as they can ascertain the same ; the awards of the commissioners, if confirmed by said municipal board, shall be paid by the treasurer of said city out of the proceeds of the lands hereinbefore mentioned in this act.

Commissioners
of assessment
shall ascertain
the proper
awards to be
made for land
taken.

- Proceedings when improvement shall be completed and accepted. 6. *And be it enacted*, That when said improvement shall have been completed and accepted by said municipal board, it shall again be referred to commissioners of assessment appointed by said board, who shall assess all the property benefited (and no more), the amount of the special benefits such property shall have received from such improvement, and shall assess upon the several lots or parcels of land the amount of benefit each shall have received by such improvement, and no more, and in no case shall the benefit be deemed to exceed more than one-half of the cost of the improvement; all of the cost and expense of the improvement in excess of the amount assessed as aforesaid shall be paid by the city at large by tax, and five per centum of said assessment shall be collected yearly.
- Amount of assessment to be collected yearly. 7. *And be it enacted*, That such improvement shall be made by macadamizing, not exceeding twenty-four feet in width, the roadway of such avenue, and the cost of such macadamizing shall not exceed three dollars per square yard, the said municipal board shall appoint some discreet surveyor to carry out and superintend said improvement.
- Improvement, how made. Superintendent 8. *And be it enacted*, That in laying out and opening such an avenue as provided for in this act, said board may use any street, road, plank road, or avenue or part thereof and widen the same if necessary; *provided, however*, that the provisions of this act shall not apply to any county or counties in this state having less than one hundred thousand inhabitants.
- May use any street, road, &c. Proviso. 9. *And be it enacted*, That this act shall take effect immediately.
- Approved April 5, 1878.

 CHAPTER CCLXVI.

A Further Act concerning cities.

- Street improvement bonds, how paid. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That where the authority has been heretofore conferred upon the municipal corporation of any

city to pay for street improvements by the issue of bonds, such municipal corporation may, at its discretion, pay for such street improvements out of the moneys appropriated for the usual and regular expenses of the street department of such city; and it shall be lawful for such corporation to contract for the repairing, macadamizing or paving of any street or streets, anything in the charter of such city to the contrary notwithstanding, and the contracts for such work shall be advertised for and awarded in the same manner that contracts for other work are advertised for and awarded in such city, pursuant to the charter thereof.

Contracts for repairing streets, &c.

2. *And be it enacted*, That this act shall take effect immediately; *provided*, that the provisions of this act shall not apply to any city which by the latest state census contained less than thirty-five thousand inhabitants.

When to take effect. Proviso.

Approved April 5, 1878.

CHAPTER CCLXVII.

A Supplement to an act entitled "An act concerning savings banks," approved April twenty-first eighteen hundred and seventy-six.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in case it shall be represented to the court of chancery by any savings bank or institution, or by a majority of the board of directors or managers of any such corporation, whether specially chartered or organized under the act to which this is a supplement, or by any three or more depositors in the same, whose deposits together shall make up the sum of five thousand dollars or more, by petition filed by said corporation, or by bill of complaint to which said corporation shall be a party defendant, that such corporation is not able to pay the interest on its deposits, or is in danger of not being able to return all its deposits in full, without sacrifice of its assets, it is hereby declared and enacted to be the duty and right

Chancellor authorized to make order restraining payment of deposits or interest thereon, on information.

of the chancellor to inform himself by personal examination or through that of some competent person by him selected, or by the statement, under oath, of the officers or at least three of the directors or managers, of the financial condition of such corporation, and to make order, in his discretion, restraining the directors or managers of such corporation until his further order from paying any one depositor more than the chancellor shall direct, of his or her deposit in said corporation, or from paying or allowing interest on such deposits, or otherwise regulating the conduct of said directors or managers in relation to said corporation, and with or without enjoining said directors or managers from continuing to exercise the franchises of the same.

Corporation to be and continue the ward of the court.

2. *And be it enacted*, That from and after the date of said order, such corporation shall be and continue the ward of said court, subject to the supervision and control of the chancellor, who shall have power, in his discretion, to suspend any or all of its managers or trustees and appoint others in their stead, and generally to control the same and direct the action of its directors, managers or trustees, in such manner as shall conduce to the preservation of its assets, and the prevention of its insolvency, by writ of injunction or otherwise.

Chancellor to appoint receiver or receivers, in his discretion.

3. *And be it enacted*, That if notwithstanding such order, and after the elapsing of time sufficient in his discretion for the prevention of its insolvency, in no case to exceed three years, said institution shall, on examination by, or at the instance of the chancellor, be found unable to return its deposits and pay its debts, the chancellor shall, by order, direct the cessation of its business, except so far as shall be necessary to collect and distribute its assets equally among those entitled to share the same, appointing a receiver or receivers, or continuing such directors or managers, or any of them, as he shall deem best; and thereupon said assets shall, under his direction, be collected on their value realized by sale, and distribution being made as aforesaid, the charter of said corporation shall be void.

Not to be declared insolvent or placed in charge of receiver.

Proviso.

4. *And be it enacted*, That no savings bank or institution for savings shall be subject, otherwise than under this act, to be declared insolvent or placed in charge of receivers; *provided*, that nothing in this act shall be construed to limit the right of the attorney general, upon the direction of the

state board, to institute the proceedings provided for in the forty-fourth section of the act to which this is a supplement, but such proceedings if instituted for the purpose of having any savings banks declared insolvent or placed in the hands of receivers, shall authorize the chancellor to take charge of and manage such corporation in the manner provided for in this act.

5. *And be it enacted*, That this act shall be construed favorably for every beneficial purpose intended, and shall take effect immediately. Act to be favorably construed.

Approved April 5, 1878.

JOINT RESOLUTIONS.

JOINT RESOLUTIONS.

NUMBER I.

Joint Resolution concerning the distribution of copies of Hood's index to the laws of this state.

BE IT RESOLVED *by the Senate and General Assembly* State treasurer to distribute copies of index. *of the State of New Jersey,* That the copies of Hood's index to the laws of this state, purchased by the state treasurer, pursuant to "An act to provide for the completion and publication of an index of all the public laws of this state," approved April third, one thousand eight hundred and seventy-three, and the several supplements thereto, shall be distributed as follows: to the governor of the state five copies, to each department of the state four copies, to each member of the legislature eight copies, 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 and vice-chancellor, and to each judge of the supreme court and court of errors and appeals of this state one copy, to the state prison and each state lunatic asylum of this state one copy, to the librarian of the New Jersey Historical Society, for the use of the library, one copy, to the library of each incorporated college in this state, the Burlington Library and the Newark Library Association each one copy, to each incorporated library association in To whom distributed.

this state, which has a law library at the county seat in which the same is located, one copy, and the remaining copies shall remain in the custody of the state treasurer, and shall be subject to distribution from time to time under the direction of the treasurer and comptroller of the state for the time being.

Approved February 21, 1878.

NUMBER II.

Joint Resolution.

- Preamble. WHEREAS, A bill is now pending before congress which, if passed, will transfer the life saving service from the treasury department, under which said service has attained its present efficiency along the shore of this state, to the navy department, and will require those at present serving in that service to enlist in the naval service, with the liability of being ordered on other duty, and in case of their failure to enlist, will supply their places with petty officers honorably discharged from the navy, seamen unacquainted with our coast and not experienced surfmen ; therefore,
- Requested to resist passage of bill. 1. BE IT RESOLVED *by the Senate and General Assembly of the State of New Jersey*, That the senators and representatives in congress from this state are requested to resist the passage of said bill.
- Governor to transmit copy. 2. *Be it resolved*, That the governor be requested to transmit to the senators and representatives from New Jersey a copy of these resolutions.
- Approved March 5, 1878.

NUMBER III.

Joint Resolution in reference to closing up the centennial international exhibition, held in Philadelphia, anno domini eighteen hundred and seventy-six.

WHEREAS, The inhabitants of the state of New Jersey, ^{Preamble.} through their representatives in the senate and general assembly, did, in the year eighteen hundred and seventy-one, pass a joint resolution designating the city of Philadelphia, in the state of Pennsylvania, in which the declaration of independence was signed and promulgated, as the proper place to appropriately celebrate the one hundreth anniversary of the same; and did appoint a committee to confer with the authorities of the said city, in reference to the holding of an international exhibition of science, arts, manufactures, and products of the soil and mine; *and whereas*, the said international exhibition was held in the name of and under the auspices of the government of the United States, in Fairmount Park, city of Philadelphia, in eighteen hundred and seventy-six, it being the centennial anniversary year of American independence, and designed to commemorate and perpetuate the memories of the heroes, statesmen and inhabitants of the colonies, who, through their wisdom, great sufferings and sacrifices, achieved independence, established for the inhabitants thereof constitutional government, and registered it upon the roll of the family of nations as the government of the United States of America, in which name the people of all nations and governments were cordially invited to attend and participate in said international exhibition; *and whereas*, the invitation was accepted by all nations, who were represented through government officials and their people, bearing with them specimens of art and the products of the intelligent industries of their respective countries in their greatest perfection; *and whereas*, the large attend-

ance and display by the people of all nations upon that occasion was not only complimentary to the memories of the founders of this republic, but highly instructive to the people of the United States, and produced the most beneficial effects upon the commercial, manufacturing and agricultural industries of the country, and was of incalculable influence in promoting sentiments of peace and good will among the people of all the states of the American Union, as well as in elevating our country in the estimation of all nations who participated with us; *and whereas*, the contribution of one million dollars by the state of Pennsylvania, and one million five hundred thousand dollars by the city of Philadelphia, with the uniform courtesy and generous and liberal hospitality extended to the nation's invited guests during their attendance at the exhibition, by the citizens of that city, should be deemed by the people of the United States as a liberal and generous contribution in support of the honor and dignity of the nation; *and whereas*, the large amount necessary to defray the expenses of the commissioners appointed by the president of the United States, the proper officers, judges, and police force for the protection of the amount of valuable property on exhibition by all nations, was an unavoidable expenditure, as also for the erection of spacious buildings adapted to no other purpose, which buildings were sold at the close of the exhibition at a nominal price; *and whereas*, in view of the large contributions made by the state of Pennsylvania, the city and citizens of Philadelphia, to insure the success of the exhibition, and the fact that the people of the entire nation have and will continue to share alike its honors and its benefits, it is but proper that the government of the United States should bear a reasonable proportion of the expense, of which the balance due to stockholders is but a small amount; therefore,

Request to senators and representatives in congress.

1. BE IT RESOLVED *by the Senate and General Assembly of the State of New Jersey*, That the United States senators from the state of New Jersey be and are hereby instructed, and the representatives in congress requested, to ascertain the balance due to the subscribers to the centennial board of finance, and to prepare and support an act appropriating the same from the treasury of the United States.

2. *And be it resolved*, That the governors of the other twelve of the thirteen original states be requested to send copies of this preamble and resolution to the senators and representatives of their respective states, requesting them to use their influence to have the centennial anniversary of our nation's independence closed up consistently with the honor and dignity of a nation holding so high a position in the estimation of the civilized world.

Governors of other states requested to send copies.

3. *And be it resolved*, That the governor of this state, be and is hereby requested to transmit engrossed copies of this preamble and resolution to the president of the United States, vice-president and speaker of the house of representatives, and to the governors of the twelve states aforesaid.

Governor to transmit copy of preamble and resolution.

Approved March 14, 1878.

NUMBER IV.

Joint Resolution to authorize the quartermaster general of the state to loan arms and accoutrements to the Elizabeth Veteran Zouaves.

RESOLVED *by the House of Assembly (Senate concurring)*, That the quartermaster-general be authorized to loan to the officers of the Elizabeth Veteran Zouaves (an independent military organization composed entirely of veterans of the late war) arms and accoutrements, the property of this state, if, in his opinion, they can be spared without manifest injury to the service of this state, upon their giving bond, with sufficient security, for the safe keeping in good order and for the return of the same to the state arsenal when required, or their equivalent.

Quartermaster general to loan arms on receipt of bond, &c.

Approved March 19, 1878.

NUMBER V.

Joint Resolution relative to rate of interest on investments of the school fund and sinking fund.

Authorized to reduce rate of interest on loans heretofore made.

1. BE IT RESOLVED *by the Senate and General Assembly of the State of New Jersey*, That the trustees for the support of public schools in this state, and the commissioners of the sinking fund of New Jersey, be and are hereby authorized and empowered to reduce the rate of interest on any loan made by them or their predecessors in office, to the rate of six dollars per annum for the forbearance of every one hundred dollars, from and after the fourth day of July next.
Approved March 27, 1878.

 NUMBER VI.

Preamble.

WHEREAS, The congress of the United States has authorized the appointment of five commissioners from each state to attend the international exposition, to be held at Paris in May next; *and whereas*, the state of New Jersey has, through the energy and enterprise of private individuals, advanced to so high a position in the manufacture and decoration of pottery as to become the leading state in the Union in that branch of industry, more than one-half of the entire production in the United States being manufactured and decorated in New Jersey; *and whereas*, owing to her geographical position and unequalled facilities it is obvious that under the fostering care of the state the manufacture and decoration of commercial as well as artistic pottery can be brought to such perfection here as to place the manufacturer and decorators of our state among the foremost producers of the world; *and whereas*,

it is the duty of the state to give her countenance, assistance and protection to a branch of industry so eminently calculated to induce the investment of capital in our midst, to give employment to the people and enhance the material wealth of the state; therefore,

1. BE IT RESOLVED *by the Senate and General Assembly of the State of New Jersey*, That the governor is hereby authorized to appoint one commissioner to attend the exposition at Paris from this state, who shall be a competent artist, and whose duty it shall be to procure statistical and technical information concerning the production of commercial and artistic pottery in other countries; to make and procure such drawings and designs of the articles of this nature exhibited at the said exhibition as he may deem most useful to further the development of the ceramic art in New Jersey, and to make a full and detailed report thereupon, on his return, which report shall be forwarded to the governor of this state, together with all drawings and designs which the said commissioners shall procure; *provided*, that the said drawings and designs shall be the property of the state of New Jersey, and shall be used for the sole benefit of all the manufacturers and decorators of pottery in this state, under such rules and regulations as the governor of this state shall see fit to make.

Governor to appoint commissioner.

Duty of the commissioner.

Proviso.

2. *And be it resolved*, That the comptroller of this state is hereby directed to draw his warrant upon the treasurer for such sum or sums as the governor shall approve to carry out the provisions of the foregoing section; *provided*, that the whole sum expended under this act shall not exceed one thousand five hundred dollars.

Compensation.

Proviso.

3. *And be it resolved*, That this joint resolution shall take effect immediately.

Approved April 5, 1878.

NUMBER VII.

A Joint Resolution for the appointment of commissioners to the international prison congress, to be held at Stockholm.

Governor to appoint one or more commissioners.

1. BE IT RESOLVED *by the Senate and General Assembly of the State of New Jersey*, That the governor be and he is hereby authorized to appoint one or more suitable citizens as commissioners to represent this state in the international prison congress, to be held at Stockholm in August next, under the auspices of the Swedish government, for the discussion and settlement of questions connected with the reformation of criminals, the repression of crime, and the advancement of the principles of penal science; it being understood that no expenses growing out of the commission will be defrayed by the state.

Approved April 5, 1878.

PROCLAMATIONS.



PROCLAMATIONS

BY

JOSEPH D. BEDLE, GOVERNOR OF NEW JERSEY.

PROCLAMATION BY THE GOVERNOR.

To the People of the State of New Jersey :

In the present state of the public mind I warn all citizens to keep at their homes and places of business, avoiding all gatherings in the streets, so as to give no encouragement by their presence to evil disposed persons. Let every good citizen by word, act and sentiment aid the authorities in securing perfect peace. Sheriffs and officers of cities are particularly requested to exert all their powers in a calm, judicious but effectual way to protect life and property from all lawlessness, and thereby save counties and cities from any liability under the statute for destruction of property by mobs. The whole power of the state will be used for the maintenance of the laws. I caution every person disposed to disturb the peace to desist at once and thereby prevent any necessity for the use of the state force.

Given under my hand and seal at the city of
Trenton, this twenty-third day of July, A. D.
[L. s.] one thousand eight hundred and seventy-
seven.

J. D. BEDLE.

By the Governor :

JOHN A. HALL, *Private Secretary.*

PROCLAMATION BY THE GOVERNOR.

I, Joseph D. Bedle, Governor of the State of New Jersey, do hereby remind the people that the first duty to protect life and property from all violence is upon the cities, counties and other municipalities. The public have a right to look for and obtain security in person and property from the civil power. The object of the military power is to support the civil authority and thereby secure not military but civil government. The military of the state to its fullest extent will be used in aid of the maintenance of law, and it will do its duty faithfully, but I call upon all mayors, police boards and officers of cities and municipalities to make their police force so large, and each sheriff to summon and use his posse so vigorously that all mobs and lawlessness of every kind shall be prevented or put down to a certainty. The amount of police force and strength of the posse should be so large as to insure perfect safety and complete protection at all hazards.

I also call upon the good people of this state who love law and order, and who mean that it shall be secured, to assist the authorities of cities, boroughs and towns, and the sheriffs of counties, to create such an invincible force as will stifle the least manifestation of violence anywhere in the state, and I again caution every disturber of the peace to obey the laws at once.

Given under my hand and seal, at the city of
Trenton, this twenty-fifth day of July, A. D.
[L. S.] one thousand eight hundred and seventy-
seven.

J. D. BEDLE, *Governor.*

Attest:

JOHN A. HALL, *Private Secretary.*

PROCLAMATION BY THE GOVERNOR.

It appearing to me on oath that a passenger train upon the New Jersey Central Railroad leaving Elizabeth for Jersey City, at the hour of 9:45 on the night of the twenty-fifth day of July, A. D. one thousand eight hundred and seventy-seven, was obstructed and hindered in its passage at or near Elizabethport by several persons unknown, who disconnected the locomotive and tender from the other part of the train and threatened violence to and intimidated the engineer and fireman, so that they were prevented from proceeding with the train and thereby for several hours delayed the same, therefore, I Joseph D. Bedle, Governor of the State of New Jersey, by virtue of the authority in me vested by law, do hereby offer a reward of five hundred dollars for apprehending and securing each of the persons who committed the said act, said reward to be paid on conviction of the party offending, and the same to be paid for each offender.

Given under my hand and seal at Trenton, this
[L. S.] twenty-sixth day of July, A. D. one thousand
eight hundred and seventy-seven.

J. D. BEDLE, *Governor.*

Attest :

JOHN A. HALL, *Private Secretary.*

PROCLAMATION BY THE GOVERNOR.

God hath given us, during the year drawing to a close, not only His ordinary blessings, which are always great and innumerable, and for which, as a people, we should ever be thankful, but hath also bestowed upon us a remarkable season of good health and abundant harvests; He hath also protected our lives, property and homes, and secured to us peace in the midst of unwonted dangers.

In grateful acknowledgement of all His mercies, I, Joseph D. Bedle, Governor of the State of New Jersey, do hereby designate Thursday, the twenty-ninth day of November, instant, as a day of public thanksgiving and praise to Almighty God for His goodness in the past, and of humble prayer that He will continue to bless us.

Given under my hand and seal, at the executive chamber, in the city of Trenton, this fifth day of November, in the year of our Lord one thousand eight hundred and seventy-seven, and of the independence of the United States the one hundred and second.

[L. S.]

J. D. BEDLE.

Attest:

JOHN A. HALL, *Private Secretary.*

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SPECIAL PUBLIC ACTS.

SPECIAL PUBLIC ACTS

PASSED BY THE

ONE HUNDRED AND SECOND LEGISLATURE.

CHAPTER V.

An Act to transfer a certain portion of the township of Mannington, in the county of Salem, over to the township of Quinton, in said county of Salem.

1. BE IT ENACTED *by the Senate and General Assembly* **Boundaries.** *of the State of New Jersey,* That all that part of the township of Mannington, in the county of Salem, included within the following described boundaries, to wit: Beginning at a large stone, a corner of the city of Salem, townships of Elsinboro, Lower Alloways Creek, Quinton and Mannington, running from thence on the line between the city of Salem and the township of Mannington to the mouth of Keasbey creek; thence up Keasbey creek to the bridge on the Sandy Ridge road, near the residence of the late George V. Mitchell; thence south forty-seven degrees and forty minutes east forty five chains and eighty links to a stone marked with the letters U. A. C. T. and M. T. on land of Dr. T. Patterson, on the north side of the road leading from the Sandy Ridge road to the Acton Station road and in the line of Quinton and Mannington townships; thence following

Set over to and made part of township of Quinton. said line to the beginning; be and the same is hereby transferred and set over from said township of Mannington, and is attached to and made part of the township of Quinton, in the said county of Salem, and subject to all laws, rules and regulations to which said township of Quinton now is or may hereafter be made subject to; and all persons residing within the boundaries of the aforementioned tract of land shall be entitled to all the rights and privileges, and subject to all the duties and obligations of residents of said township of Quinton; and that the boundary line between the city of Salem and said Mannington township and the said township of Quinton shall henceforth be as is hereinbefore set forth and described.

Taxes to whom payable and by whom collected. 2. *And be it enacted*, That all taxes which have heretofore been assessed in said township of Mannington upon any lands lying within the boundaries of the tract of land by this act transferred to the township of Quinton, or upon any person residing within said boundaries, shall continue to be payable to and to be collectable by the proper officers of said township of Mannington, and all and every process of law necessary or convenient for the collection of such taxes may be exercised by the proper officers of said township of Mannington who are now authorized to carry on the same.

Lands to be part of road district in township of Quinton. 3. *And be it enacted*, That the lands hereinbefore described and set over to said township of Quinton, shall, until otherwise directed by the proper authorities of the last named township, be and form part of road district number one of said township of Quinton, in the county of Salem; and the inhabitants of said lands as set over shall be entitled to all the privileges and rights and subject to all the duties and obligations of inhabitants of said school and road districts.

Township officers to have jurisdiction. 4. *And be it enacted*, That the several township officers of the township of Mannington shall (except as is hereinbefore provided) cease to have or exercise any jurisdiction or authority over the lands hereinbefore described and bounded and set over to said township of Quinton, and the township officers of said township of Quinton shall have full jurisdiction and authority over the said lands.

Suits, &c., how prosecuted. 5. *And be it enacted*, That all actions, suits, appeals, prosecutions or other legal proceedings begun or depending in any court or under any law of this state, shall be in no wise affected by this act, but the same shall and may be

prosecuted in the same manner as if this act had not been passed.

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

Approved February 7, 1878.

CHAPTER IX.

Supplement to "An act to enable the city authorities of Jersey City to make a settlement with the contractor for the construction of reservoir number three of the Jersey City water works," approved March seventh, one thousand eight hundred and seventy-seven.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the board of finance and taxation of Jersey City is hereby empowered to settle the award heretofore made by the arbitrators who were selected under the act to which this is a supplement, for such sum, less than the amount of the award and interest, as the said board, in its judgment, may be able to agree upon with the other party, and as it may deem best for the interest of the city; and that the sum so agreed upon shall be taken to be the true amount of the said award, and as such shall be paid by the said board the same as if the award had been made for that amount; *provided*, that the mayor shall have power to veto the action of such board within ten days thereafter, and unless said board shall, by a two-third vote, at its next regular meeting after receiving notice thereof, vote to sustain such action notwithstanding said veto, said action shall be void; *and further provided*, that if no such settlement and payment are made, nothing herein contained shall be construed to affect or impair in any way the award as already made.

Board of finance and taxation empowered to settle awards.

Proviso.

Proviso.

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

Approved February 14, 1878.

CHAPTER X.

A Further Supplement to an act entitled "An act to revise and amend the charter of the city of Newark," approved March eleventh, eighteen hundred and fifty-seven.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That an act entitled "A further supplement to the act entitled 'An act to revise and amend the charter of the city of Newark,'" approved March eleventh, eighteen hundred and fifty-seven, and which supplement was approved February second, eighteen hundred and sixty, and which supplement reads as follows, to wit:

Supplement to
be repealed re-
cited.

"1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all that part of the city of Newark beginning at a point in the Passaic river, opposite the middle of Ferguson street; thence running southerly in a straight line to the middle of Ferguson street; thence along the middle of said street in the same line and course to the middle of Ferry street; thence westerly along the middle of Ferry street to a point in the middle of Hamburg place; thence southerly along the middle of Hamburg place to the Great Swamp road, the several courses thereof, to the termination thereof, at or near the meadows; thence southwardly in a straight line to the Newark bay, at the mouth of Maple Island creek; thence northwardly and westwardly along the said Newark bay and the Passaic river, the several courses thereof, to the place of beginning, shall be and the same is hereby erected into and constituted a new ward, to be called the twelfth ward of the city of Newark.

Recital con-
tinued.

"2. *And be it enacted*, That the inhabitants of this ward, by this act created, shall be vested with and entitled to all the rights, powers, authorities, privileges and advantages, and subject to the same regulations, government and liabilities to which the inhabitants respectively of the other wards of the said city of Newark are or may be entitled or subject.

Recital con-
tinued.

"3. *And be it enacted*, That an election by ballot shall be held in the said ward hereby constituted on the second

Tuesday in October next, and on the second Tuesday in October in every year thereafter at such place as the common council shall appoint, of which the common council shall cause public notice to be given and published, as prescribed in the seventh section of the act to which this is a supplement, at which election two aldermen (except as hereinafter provided), two commissioners of public schools (except as hereinafter provided), who shall hold their offices respectively for the term of two years; and one assessor, three judges of election, one ward clerk, one commissioner of appeals in cases of taxation, one member of the board of excise, and three constables, who shall hold their offices, respectively, for the term of one year, shall be chosen in the said ward hereby created, from and among the citizens residing therein and entitled to vote at such election; and the common council shall appoint three judges of election and one ward clerk in the said ward hereby created, under whose direction the first election in the said ward, to be held on the second Tuesday of October next, for the election of city and ward officers, shall be conducted; and the said election shall be conducted in the same manner, and be subject to the same rules as are prescribed with respect to the elections in the wards of the said city heretofore constituted; and the provisions of the eighth section of the act to which this is a supplement shall apply and be extended to the judges and clerk of the board for the first election to be held under this act; and the common council of said city shall procure an election box for said ward; and the term of office of such officers as shall be elected under this section shall commence on the first Tuesday after the first day of January in each and every year.

"4. *And be it enacted,* That at the first or subsequent meeting of the common council after the first Tuesday after the first day of January next, the aldermen elected for the said ward hereby created shall be divided into two classes, one alderman of which shall go out of office at the expiration of the first year, and the other at the expiration of the second year, and that on the second Tuesday in the year eighteen hundred and sixty-one, and every year thereafter, the said ward hereby constituted shall elect one person as alderman of said ward, who shall hold such office for two years; and in case of death, resignation, or other disability

Recital continued.

of any alderman of said ward, a person shall be duly elected to fill the vacancy, who shall hold for the unexpired term only.

Recital continued.

"5. *And be it enacted*, That at the first or a subsequent meeting of the board of education, after the first Tuesday after the first day of January next, the commissioners of public schools elected for the said ward hereby created shall be divided into two classes, one of which shall go out of office at the expiration of the first year, and the other at the expiration of the second year; and that, on the second Tuesday in the year eighteen hundred and sixty-one, and every year thereafter, the said ward hereby constituted shall elect one person as commissioner of public schools of said ward, who shall hold such office for two years, and in case of death, resignation, or other disability of any commissioner of public schools of said ward, the common council shall choose a person to fill such vacancy.

Recital continued.

"6. *And be it enacted*, That there shall be, in the said ward hereby created, one special police justice, who shall be appointed by the senate and general assembly in joint meeting, and shall hold his office for the like term, and have the like powers and authority as the other special police justices in and for the said city.

Recital continued.

"7. *And be it enacted*, That the foregoing sections of this act shall take effect on the first Tuesday after the first day of January next, except so far as the provisions of this act provide for or imply an earlier period for the performance of any acts or duties by this act required or enjoined; and it shall be lawful for the joint meeting aforesaid, at any time before the said first Tuesday after the first day of January next, to appoint one special police justice in the said ward, who shall enter on the duties of his office on the first Tuesday after the first day of January next; and the common council of the city of Newark shall, before that period, take such proceedings as are hereby set forth and enjoined for the purpose of organization of the said ward, and the due conducting of the first election under this act.

Recital continued.

"8. *And be it enacted*, That for all the purposes of the election on Tuesday next after the first Monday in November, eighteen hundred and sixty, for members of the general assembly and other officers to be chosen at said election, the said ward hereby created is declared to be constituted and

to exist in all respects as if this act took effect immediately after its passage; and the said election shall be held at the same place, and be conducted by the same officers, in the said ward, as shall be appointed by the common council for the ward election to be holden on the second Tuesday of October next; and the officers of election of the said ward (unless disqualified by law, or refusing or neglecting to serve, in which case any vacancy or vacancies may be filled according to law) shall perform all the duties which devolve upon them respectively, in like manner, as the officers of election of the other wards of the city of Newark are required by law to do.

"9. *And be it enacted*, That the said twelfth ward, hereby created, shall constitute a part of the same assembly district in which the territory hereby erected into a new ward has been heretofore included, being the second assembly district of the county of Essex,"

Recital continued.

Repealer.

be and the said supplement is hereby repealed.

2. *And be it enacted*, That an act entitled "A further supplement to the act entitled 'An act to revise and amend the charter of the city of Newark,'" approved March eleventh, eighteen hundred and fifty-seven, and which supplement was approved March twelfth, eighteen hundred and sixty, and which supplement reads as follows, to wit :

Supplement to be repealed recited.

"1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all that part of the city of Newark, beginning in the centre of the Morris canal at a point formed by the intersection of the Morris canal with Sussex avenue; thence southeasterly along the middle of the Morris canal to a point where a line extending northerly through the middle of Hudson street would strike the middle or centre of the said Morris canal, if extended; thence southeasterly along the middle of Hudson street to the middle of a street called Wallace place; thence southeasterly along the middle of the said Wallace place to the centre of Bank street, formerly called West Bank street; thence westerly along the middle of Bank street to the middle of Littleton avenue; thence northerly along the several courses of the easterly line of the eleventh ward, as at present constituted to the place of beginning (comprising certain portions of the sixth and seventh wards of the city of Newark, as they are at present constituted), shall be and the same is hereby annexed

Recital continued.

to the eleventh ward of the city of Newark, and shall constitute hereafter, together with that portion of the city of Newark, at present constituting the said eleventh ward of the city of Newark, and shall be subject to all the provisions of the act constituting the eleventh ward of the city of Newark, except so far as anything therein contained may be inconsistent herewith.

Recital continued.

Repealer.

Supplement to be repealed recited.

“2. *And be it enacted*, That the eleventh ward as herein created and constituted, shall constitute and form a part of the fifth assembly district of the county of Essex,” be and the said supplement is hereby repealed.

3. *And be it enacted*, That an act entitled “a further supplement to an act entitled an act to revise and amend the charter of the city of Newark,” approved March eleventh, eighteen hundred and fifty-seven, which supplement was approved March seventh, eighteen hundred and sixty-one, and which supplement reads as follows, to wit:

Recital continued.

“1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all that part of the city of Newark, beginning at a point in the middle of High street which would be intersected by a line drawn through the centre of Springfield avenue, thence running westerly in the middle of Springfield avenue to the easterly boundary line of Clinton township; thence southerly along the said boundary line of Clinton township to its intersection with the present easterly line of the sixth ward (centre of Broad street); thence northerly along the middle of Broad street to High street; thence northerly along the middle of High street, to the place of beginning, shall be and the same is hereby erected into and constituted a new ward, to be called the thirteenth ward of the city of Newark.

Recital continued.

“2. *And be it enacted*, That the inhabitants of this ward, by this act created, shall be vested with and entitled to all the rights, powers, authorities, privileges and advantages, and subject to the same regulations, government and liabilities to which the inhabitants, respectively, of the other wards of the said city of Newark are or may be entitled or subject.

Recital continued.

“3. *And be it enacted*, That an election by ballot shall be held in said ward hereby constituted, on the second Tuesday in October next, and on the second Tuesday in October in every year thereafter, at such place as the common council shall appoint, of which the common council shall cause public

notice to be given and published, as prescribed in the seventh section of the act to which this is a supplement, at which election two aldermen (except as is hereinafter provided), two commissioners of public schools (except as is hereinafter provided), who shall hold their offices respectively for the term of two years; and one assessor, three judges of election, one ward clerk, one commissioner of appeals in cases of taxation, one member of the board of excise, and three constables, who shall hold their offices respectively for the term of one year, shall be chosen in said ward hereby created, from and among the citizens residing therein and entitled to vote at such election; and the common council shall appoint three judges of election and one ward clerk in said ward hereby created, under whose direction the first election in said ward, to be held the second Tuesday in October next, for the election of city and ward officers, shall be conducted; and the said elections shall be conducted in the same manner and be subject to the same rules as are prescribed with respect to the elections in the wards of the said city heretofore constituted; and the provisions of the eighth section of the act to which this is a supplement, shall apply and be extended to the judges and clerk of the board for the first election to be held under this act; and the common council of said city shall procure an election box for said ward; and the term of office of such officers as shall be elected under this section shall commence on the first Tuesday after the first day of January in each and every year.

"4. *And be it enacted*, That at the first or subsequent meeting of the common council, after the first Tuesday after the first day of January next, the aldermen elected for the said ward hereby created shall be divided into two classes, one alderman of which shall go out of office at the expiration of the first year, and the other at the expiration of the second year; and that on the second Tuesday in October, in the year eighteen hundred and sixty-two, and every year thereafter, the said ward hereby constituted shall elect one person as alderman of said ward, who shall hold such office for two years; and in case of the death, resignation or other disability of any alderman of said ward, a person shall be duly elected to fill the vacancy, who shall hold for the unexpired term only.

Recital continued.

Recital con-
tinued.

"5. *And be it enacted*, That at the first or subsequent meeting of the board of education after the first Tuesday after the first day of January next, the commissioners of public schools elected from the said ward hereby created shall be divided into two classes, one of which shall go out of office at the expiration of the first year, and the other at the expiration of the second year; and that on the second Tuesday in October, in the year eighteen hundred and sixty-two, and every year thereafter, the said ward hereby constituted shall elect one person as commissioner of public schools of said ward, who shall hold such office for two years; and in case of the death, resignation or other disability of any commissioner of public schools of said ward, the common council shall choose a person to fill such vacancy.

Recital con-
tinued.

"6. *And be it enacted*, That there shall be in the said ward hereby created one special police justice, who shall be appointed by the senate and general assembly in joint meeting, and shall hold his office for the like term and have the like powers and authority as the other special police justices in and for the said city.

Recital con-
tinued.

"7. *And be it enacted*, That the foregoing sections of this act shall take effect on the first Tuesday after the first day of January next, except so far as the provisions of this act provide for or imply an earlier period for the performance of any acts or duties by this act required or enjoined, and it shall be lawful for the joint meeting aforesaid, at any time before the said first Tuesday after the first day of January next to appoint one special police justice in the said ward, who shall enter on the duties of his office on the first Tuesday after the first day of January next; and the common council of the city of Newark shall, before that period, take such proceedings as are hereby set forth and enjoined for the purpose of organization of the said ward, and the due conducting of the first election under this act.

Recital con-
tinued.

"8. *And be it enacted*, That for all the purposes of the election on Tuesday next after the first Monday in November, eighteen hundred and sixty-one, for members of the general assembly and other officers to be chosen at said elections, the said ward hereby created is declared to be constituted and to exist in all respects as if this act took effect immediately after its passage, and the said election shall be held at the same place and be conducted by the

same officers in the said ward as shall be appointed by the common council for the ward election, to be holden on the second Tuesday in October next, and the officers of election of the said ward (unless disqualified by law, or refusing or neglecting to serve, in which case any vacancy or vacancies may be filled according to law) shall perform all the duties which devolve upon them respectively, in like manner as the officers of election of the other wards of the city of Newark are required by law to do," be and the said supplement is hereby repealed. Repealer.

4. *And be it enacted*, That an act entitled "A further supplement to an act entitled 'An act to revise and amend the charter of the city of Newark,' approved March eleventh, eighteen hundred and fifty-seven," which supplement was approved March twenty-eighth, eighteen hundred and seventy-one, and which supplement reads as follows, to wit:

"1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all that part of the city of Newark, beginning at a point in the middle of Broad street which would be intersected by a line drawn through Clinton avenue; thence running westerly along the centre of Clinton avenue to the line of Clinton township; thence southeasterly along the dividing line between the township of Clinton and the city of Newark to the intersection of the same with the New Jersey Railroad avenue; thence northerly along the centre line of said avenue to its intersection with Broad street; thence along the centre line of Broad street to the place of beginning, shall be and the same is hereby erected into and constituted a new ward, to be called the fourteenth ward of the city of Newark. Recital continued.

"2. *And be it enacted*, That the inhabitants of this ward by this act created, shall be vested with and entitled to all the rights, powers, authorities, privileges and advantages, and subject to the same regulations, government and liabilities to which the inhabitants respectively of the other wards of the said city of Newark are or may be entitled or subject. Recital continued.

"3. *And be it enacted*, That the alderman of the third ward, now residing in that part of the present third ward, created by this act into the fourteenth ward, shall serve as alderman of the fourteenth ward for the remainder of the term for which he was elected, and at the annual charter election in October next, an alderman shall be elected in the Recital continued.

third ward to fill the vacancy in said ward, caused by the creation of the fourteenth ward.

Recital continued.

"4. *And be it enacted*, That an election by ballot shall be held in said ward hereby constituted, on the second Tuesday in October next, and on the second Tuesday in October in every year thereafter, at such place as the common council shall appoint, of which the common council shall cause public notice to be given and published as prescribed in the seventh section of the act to which this is a supplement, at which election one alderman, to serve two years, two commissioners of public schools, who shall hold their office for two years, (except as hereinafter provided), one member of the board of excise, one chosen freeholder, one ward clerk, three constables, who shall hold their offices respectively for the term of one year, and three judges and one clerk of election, who shall hold their offices respectively for the term of one year, shall be chosen in said ward hereby created from and among the citizens residing therein and entitled to vote at such election; and the common council shall appoint three judges and one clerk of election in said ward hereby created, under whose direction the first election in said ward, to be held the second Tuesday in October next for the election of city and ward officers, shall be conducted, and the said election shall be conducted in the same manner and be subject to the same rules as are prescribed with respect to the elections in the wards of said city heretofore constituted; and the provisions of the eighth section of the act to which this is a supplement, shall apply and be extended to the judges and clerk of election for the first election to be held under this act; and the common council of said city shall procure an election box for said ward; and the term of office of such officers as shall be elected under this section, shall commence on the first Tuesday after the first day of January in each and every year.

Recital continued.

"5. *And be it enacted*, That at the first or subsequent meeting of the board of education, after the first Tuesday after the first day of January next, the commissioners of public schools, elected from the said ward hereby created, shall be divided into two classes, one of which shall go out of office at the expiration of the first year, and the other at the expiration of the second year, and that on the second Tuesday in October, in the year one thousand eight hundred

and seventy-two, and every year thereafter, the said ward hereby constituted shall elect one person as commissioner of public schools of said ward, who shall hold such office for two years, and in case of the death, resignation, or other disability of any commissioner of public schools of said ward, the common council shall choose a person to fill such vacancy.

"6. *And be it enacted*, That there shall be in the said ward hereby created one special police justice, who shall be appointed by the senate and general assembly in joint meeting, and shall hold his office for the like term and have the like powers and authority as the other special police justices in and for said city. Recital continued.

"7. *And be it enacted*, That the foregoing sections of this act shall take effect on the first Tuesday after the first day of January next, except so far as the provisions of this act provide for or imply an earlier period for the performance of any acts or duties by this act required or enjoined; and it shall be lawful for the joint meeting aforesaid, at any time before the said first Tuesday after the first day of January next, to appoint one special police justice in the said ward, who shall enter on the duties of his office, on the first Tuesday after the first day of January next; and the common council of the city of Newark shall, before that period, take such proceedings as are hereby set forth and enjoined for the purpose of organization of the said ward and the due conducting of the first election under this act. Recital continued.

"8. *And be it enacted*, That for all the purposes of the election on Tuesday next after the first Monday in November, one thousand eight hundred and seventy-one, for members of the general assembly and other officers to be chosen at said elections, the said ward hereby created is declared to be constituted and to exist in all respects as if this act took effect immediately after its passage, and the said election shall be held at the same place and be conducted by the same officers in the said ward as shall be appointed by the common council for the ward election to be holden on the second Tuesday in October next; and the officers of election of said ward (unless disqualified by law, or refusing or neglecting to serve, in which case any vacancy or vacancies may be filled according to law) shall perform all the duties which devolve upon them respectively in like manner Recital continued.

- as the officers of election of the other wards of the city of Newark are required by law to do," be and the said supplement is hereby repealed.
- Repealer.
- Supplement to be repealed recited.
5. *And be it enacted*, That an act entitled "A further supplement to an act entitled 'An act to revise and amend the charter of the city of Newark,'" approved March eleventh, eighteen hundred and fifty-seven, and which supplement was approved March twenty-second, eighteen hundred and seventy-one, and which supplement reads as follows, to wit:
- Recital continued.
- "1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all that part of the city of Newark, beginning at a point in the middle of High street, which would be intersected by a line drawn through Central avenue; thence running westerly along the centre of Central avenue to the centre of the Morris canal; thence along the centre of the Morris canal northwesterly to the centre line of Orange street; thence easterly along the centre line of Orange street to the centre of Eighth avenue; thence easterly along the centre line of Eighth avenue to the centre of High street; thence southerly along the centre line of High street to the place of beginning, shall be and the same is hereby erected into and constituted a new ward, to be called the fifteenth ward of the city of Newark.
- Recital continued.
- "2. *And be it enacted*, That all that part of the city of Newark, beginning at a point in the centre of Bank street, at the intersection of Morris avenue; thence running northerly along the centre line of Morris avenue to the Morris canal; thence along the several courses of the line dividing the seventh and eleventh wards, as at present constituted, to the centre of Bank street; thence westerly along the centre line of Bank street to the place of beginning (comprising a certain portion of the eleventh ward, as at present constituted), shall be and the same is hereby annexed to the seventh ward.
- Recital continued.
- "3. *And be it enacted*, That the inhabitants of this ward by this act created shall be vested with and entitled to all the rights, powers, authorities, privileges and advantages, and subject to the same regulations, government and liabilities to which the inhabitants respectively of the other wards of the said city of Newark are or may be entitled to or subject.

"4. *And be it enacted*, That the alderman of the seventh ward now residing in that part of the present seventh ward created by this act into the fifteenth ward shall serve as alderman of the fifteenth ward for the remainder of the term for which he was elected; and at the annual charter election in October next an alderman shall be elected in the seventh ward to fill the vacancy in said ward caused by the creation of the fifteenth ward. Recital continued.

"5. *And be it enacted*, That an election by ballot shall be held in said ward hereby constituted on the second Tuesday in October next, and on the second Tuesday in October in every year thereafter, at such place as the common council shall appoint, of which the common council shall cause public notice to be given and published as prescribed in the seventh section of the act to which this is a supplement; at which election one alderman to serve two years, two commissioners of public schools, who shall hold their office for two years (except as hereinafter provided), one member of the board of excise, one chosen freeholder, one ward clerk, three constables, who shall hold their offices respectively for the term of one year, and three judges and one clerk of election, who shall hold their offices respectively for the term of one year, shall be chosen in said ward, hereby created, from and among the citizens residing therein and entitled to vote at such election; and the common council shall appoint three judges and one clerk of election in said ward hereby created, under whose direction the first election in said ward, to be held the second Tuesday in October next, for the election of city and ward officers, shall be conducted; and the said election shall be conducted in the same manner and be subject to the same rules as are prescribed with respect to the elections in the wards of said city heretofore constituted; and the provisions of the eighth section of the act to which this is a supplement, shall apply and be extended to the judges and clerk of election for the first election to be held under this act; and the common council of said city shall procure an election box for said ward; and the term of office of such officers as shall be elected under this section shall commence on the first Tuesday after the first day of January in each and every year. Recital continued.

"6. *And be it enacted*, That at the first or subsequent meeting of the board of education, after the first Tuesday Recital continued.

after the first day of January next, the commissioners of public schools elected from the said ward hereby created, shall be divided into two classes, one of which shall go out of office at the expiration of the first year, and the other at the expiration of the second year; and that on the second Tuesday in October, in the year one thousand eight hundred and seventy-two, and every year thereafter, the said ward hereby constituted shall elect one person as commissioner of public schools of said ward, who shall hold such office for two years; and in case of the death, resignation or other disability of any commissioner of public schools of said ward, the common council shall choose a person to fill such vacancy.

Recital continued.

"7. *And be it enacted*, That there shall be in the said ward hereby created, one special police justice, who shall be appointed by the senate and general assembly in joint meeting, and shall hold his office for the like time, and have the like powers and authority, as the other special police justices in and for said city.

Recital continued.

"8. *And be it enacted*, That the foregoing section of this act shall take effect on the first Tuesday after the first day of January next, except so far as the provisions of this act provide for or imply an earlier period for the performance of any acts or duties by this act required or enjoined; and it shall be lawful for the joint meeting aforesaid at any time before the said first Tuesday after the first day of January next, to appoint one special police justice in the said ward, who shall enter upon the duties of his office on the first Tuesday after the first day of January next; and the common council of the city of Newark shall before that period take such proceedings as are hereby set forth and enjoined for the purpose of organization of the said ward and the due conducting of the first election under this act.

Recital continued.

"9. *And be it enacted*, That for all the purposes of the election on Tuesday next after the first Monday in November, one thousand eight hundred and seventy-one, for members of the general assembly and other officers to be chosen at said election, the said ward hereby created is declared to be constituted, and to exist in all respects as if this act took effect immediately after its passage; and the said election shall be held at the same place, and be conducted by the same officers in the said ward, as shall

be appointed by the common council for the ward election to be holden on the second Tuesday in October next; and the officers of election of said ward (unless disqualified by law, or refusing or neglecting to serve, in which case any vacancy or vacancies may be filled according to law), shall perform all the duties which devolve upon them respectively, in like manner as the officers of election of the other wards of the city of Newark are required by law to do," be and the said supplement is hereby repealed. Repealer.

6. *And be it enacted*, That an act entitled "A further supplement to the act entitled 'An act to revise and amend the charter of the city of Newark,'" approved March eleventh, eighteen hundred and fifty-seven, and which supplement was approved February fourteenth, eighteen hundred and seventy-one, and which supplement reads as follows, to wit:

"1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all that part of the city of Newark beginning at a point in the Passaic river, opposite the middle of Ferguson street, thence running westerly along the Passaic river the several courses thereof, to a point therein where a line extending southerly from the said Passaic river would strike the centre of Madison street; thence along the middle of said Madison street to the middle of Elm street; thence easterly along the middle of Elm street to the termination thereof; thence in the same course in a straight line to point in the middle of Hamburg place; thence along the several courses of the line dividing the fifth and twelfth wards, as at present constituted, to the place of beginning, (comprising a certain portion of the fifth ward of the city of Newark, as the same is at present constituted), shall be and the same is hereby annexed to the twelfth ward of the city of Newark, and shall constitute hereafter, together with that portion of the city of Newark at present constituting the said twelfth ward of the city of Newark, and shall be subject to all the provisions of the act constituting the twelfth ward of the city of Newark, approved February second, eighteen hundred and sixty, except so far as anything therein contained may be inconsistent herewith. Recital continued.

"2. *And be it enacted*, That the twelfth ward, as herein created and constituted, shall constitute and form part of the Recital continued.

Repealer. eighth assembly district of the county of Essex," be and the said supplement is hereby repealed.

Supplement to be repealed recited.

7. *And be it enacted*, That an act entitled "A further supplement to the act entitled 'An act to revise and amend the charter of the city of Newark,'" approved March eleventh, eighteen hundred and fifty-seven, and which supplement was approved March twentieth, eighteen hundred and seventy-two, and which supplement reads as follows, to wit:

Recital continued.

"1. AND BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all that part of the city of Newark, beginning at a point in the centre of Clinton avenue, which would be intersected by a line drawn through the centre of Avon avenue; thence running westerly along the centre of Avon avenue to the centre line of Chadwick avenue, as laid down on the commissioners' map; thence southerly along the centre line of Chadwick avenue to the line of Clinton township; thence along the dividing line between the township of Clinton and the city of Newark to the intersection of the same with the centre line of Clinton avenue; thence along the centre line of said Clinton avenue to the place of beginning, comprising a certain portion of the thirteenth ward of the city of Newark, as the same is at present constituted, shall be and the same is hereby annexed to the fourteenth ward of the city of Newark, and shall hereafter constitute a portion of the said fourteenth ward, and shall be subject to all the provisions of the 'Act creating the fourteenth ward of the city of Newark,' approved March twenty-eighth, eighteen hundred and seventy-one, except so far as anything therein contained may be inconsistent herewith.

Repealer.

"2. *And be it enacted*, That this act shall take effect immediately," be and the said supplement is hereby repealed.

Section to be amended recited.

8. *And be it enacted*, That section two of an act entitled "An act to alter the boundary line between the city of Newark and the township of Clinton in the county of Essex," approved March twenty-fourth, eighteen hundred and sixty-nine, and which section reads as follows, to wit:

Recital continued.

"2. *And be it enacted*, That so much of the aforesaid township of Clinton lying south of the South Orange avenue and north of Springfield turnpike, shall become a part of the sixth ward, and so much of the aforesaid territory lying

south of Springfield avenue and north of the Irvington plank road shall become a part of the thirteenth ward ; and all the remaining territory so annexed shall become a part of the third ward of the city of Newark, and shall constitute parts of the same assembly districts as those in which the said wards have been heretofore included ; and the whole portion so as aforesaid annexed shall constitute a portion of the fifth congressional district ; and all the provisions of an act entitled 'An act to revise and amend the charter of the city of Newark, and the various supplements thereto, and all the laws of the state applicable to the city of Newark, shall be in full force and application in the said portion so as aforesaid annexed the same as if said portion constituted a part of the original territory of said city,' be and the said section is hereby amended so as to read as follows, to wit :

2. *And be it enacted*, That so much of the township of Clinton hereby annexed as aforesaid, shall constitute a portion of the sixth congressional district, and all the provisions of an act entitled "An act to revise and amend the charter of the city of Newark," and the various supplements thereto, and all the laws of the state applicable to the city of Newark, shall be in full force and application in the said portion so annexed as aforesaid, the same as if said portion constituted a part of the original territory of said city. Amendment.

9. *And be it enacted*, That section three of an act entitled "An act to divide the township of Woodside between the city of Newark and the township of Belleville," approved April fifth, eighteen hundred and seventy-one, and which section reads as follows, to wit :

"3. *And be it enacted*, That so much of said township of Woodside as is by virtue of this act annexed to the city of Newark shall become a part of the eighth ward of the said city of Newark, and shall constitute part of the same congressional and assembly districts as those in which the said ward has been heretofore included," be and the said section is hereby amended so as to read as follows, to wit :

3. *And be it enacted*, That so much of the township of Woodside as is, by virtue of this act, annexed to the city of Newark shall become a part of the said city of Newark. Recital continued.

10. *And be it enacted*, That sections two and three of an act of the legislature of the state of New Jersey entitled "An act to revise and amend the charter of the city of New- Section to be amended recited.

ark," approved March eleventh, eighteen hundred and fifty-seven, and which sections read as follows, to wit:

Recital continued.

"2. *And be it enacted*, That the said city of Newark shall continue to be divided into eleven wards, as heretofore constituted by law, the boundaries of which shall be described as follows:

Recital continued.

"I. All that part of the said city bounded as follows: Beginning at the Passaic river at a point opposite the middle of Centre street; thence running westerly in a straight line to a point in the middle of Centre street at the easterly terminus of said street; thence westwardly along the middle of Centre street to a point in the middle of Park place; thence westwardly in a straight line across the Military common to a point in the middle of New street, at the easterly terminus of said street; thence westwardly along the middle of New street to a point in the middle of High street; thence northwardly along the middle of High street to a point in the middle of Quarry street; thence eastwardly along the middle of Quarry street to the eastwardly terminus of said street, thence in a straight line due east to the Passaic river; thence southwardly along the Passaic river to the place of beginning, shall constitute the first ward of the said city.

Recital continued.

"II. All that part of the said city bounded as follows: Beginning in the middle of Broad street at a point opposite the middle of William street; thence running westwardly along the middle of William street to a point in the middle of High street; thence northwardly along the middle of High street to a point in the middle of New street; thence eastwardly along the middle of New street to the easterly terminus of said street; thence eastwardly along the boundary line of the first ward to a point in the middle of the Military common; thence southwardly in a straight line passing through the liberty pole on said Military common, to a point in the middle of Broad street; thence southwardly along the middle of Broad street to the place of beginning, shall constitute the second ward of the said city.

Recital continued.

"III. All that part of the said city bounded as follows: Beginning in the middle of Broad street, at a point opposite the middle of William street; thence running southwardly along the middle of Broad street to its junction with South Broad street, otherwise called the Essex and Middlesex turnpike road; thence southwardly along the middle of

South Broad street, or the Essex and Middlesex turnpike road, to the division line between the city of Newark and the township of Clinton; thence along the said division line between the city of Newark and the township of Clinton, the several courses thereof, to a point in the middle of Broad street; thence eastwardly along the middle of Broad street to a point opposite the middle of High street; thence northwardly along the middle of High street to a point in the middle of William street; thence eastwardly along the middle of William street to the place of beginning, shall constitute the third ward of the said city.

“IV. All that part of the said city bounded as follows: Recital continued.
Beginning in the middle of Broad street at a point opposite the middle of Fair street; thence running eastwardly along the middle of Fair street to a point in the middle of Mulberry street; thence southwardly along the middle of Mulberry street to a point opposite the middle of Oak street; thence eastwardly along the middle of Oak street to a point in the middle of Columbia street; thence northwardly along the middle of Columbia street to a point opposite the middle of Oak alley; thence eastwardly along the middle of Oak alley to a point in the middle of Liberty street; thence northwardly along the middle of Liberty street to a point opposite the middle of East Fair street; thence eastwardly along the middle of East Fair street to the New Jersey Railroad avenue; thence northeastwardly along the middle of said avenue to the termination thereof; thence in a straight line to the original outlet of the Morris canal at the Passaic river; thence northwardly along the Passaic river to a point opposite the middle of Centre street; thence westwardly in a straight line to a point in the middle of Centre street at the easterly terminus of said street; thence westwardly along the middle of Centre street to a point in the middle of Park place; thence westwardly along the boundary line of the first ward to a point in the middle of the Military common; thence southwardly in a straight line, passing through the liberty pole on said Military common to a point in the middle of Broad street; thence southwardly along the middle of Broad street to the place of beginning, shall constitute the fourth ward of the said city.

“V. All that part of the said city bounded as follows: Recital continued.
Beginning in the middle of the New Jersey Railroad avenue

at the centre of Elm street ; thence running southeastwardly along the middle of Elm street to Adams street ; and thence in the same line and course to a point in the middle of Hamburg place or the Great Swamp road ; thence southwardly along the middle of Hamburg place or the Great Swamp road, the several courses thereof, to the termination thereof at or near the meadows ; thence southwardly in a straight line to the Newark bay, at the mouth of Maple Island creek ; thence northwardly and westwardly along the said Newark bay and the Passaic river, the several courses thereof, to the original outlet of the Morris canal ; thence southwardly in a straight line to a point in the middle of the New Jersey Railroad avenue at the northerly terminus of said avenue ; thence southwestwardly along the middle of said avenue to the place of beginning, shall constitute the fifth ward of the said city.

Recital continued.

“ VI. All that part of the said city bounded as follows : Beginning at the southerly terminus of Broad street in the division line between the city of Newark and the township of Clinton and in the middle of said street ; thence running eastwardly along the middle of said street to a point opposite the middle of High street ; thence northwardly along the middle of High street to a point opposite the middle of Bank street ; thence westwardly along the middle of Bank street to its junction with a road leading to Orange, formerly known as the Crane road ; thence northwestwardly along the middle of said Crane road to a point opposite the middle of a road or driftway known as the Old Parsonage driftway ; thence along the middle of said road or driftway, the several courses thereof, to a point in the middle of Littleton avenue ; thence southwardly along the middle of Littleton avenue to a point in the middle of South Orange avenue ; thence westwardly along the middle of South Orange avenue to the division line between the city of Newark and the township of Orange ; thence in a southerly direction along the division line between the city of Newark and the townships of Orange and Clinton to the place of beginning, shall constitute the sixth ward of the said city.

Recital continued.

“ VII. All that part of the said city bounded as follows : Beginning in the middle of High street, at a point opposite the middle of Bank street ; thence running westwardly along the middle of Bank street to its junction with the road lead-

ing to Orange, formerly known as the Crane road; thence northwestwardly along the middle of said Crane road to a point opposite the middle of First street; thence northwardly along the middle of First street to a point opposite the middle of Sussex avenue; thence eastwardly along the middle of Sussex avenue to a point in the middle of the Morris canal; thence northwardly along the middle of the Morris canal to a point in the middle of the road leading to Orange, known as Orange street; thence eastwardly along the middle of said road or street to its junction with Quarry street; thence eastwardly along the middle of Quarry street to a point in the middle of High street; thence southwardly along the middle of High street to the place of beginning, shall constitute the seventh ward of the said city.

“VIII. All that part of the city bounded as follows: Recital continued.
Beginning at a point in the Passaic river due east from a point in the middle of Quarry street at the easterly terminus of said street; thence running westwardly in a straight line to said point in the middle of Quarry street aforesaid; thence westwardly along the middle of Quarry street to a point in the middle of the road leading to Orange, known as Orange street; thence westwardly along the middle of said road or street to a point in the middle of the Morris canal; thence northwardly along the middle of the Morris canal to the division line between the city of Newark and the township of Belleville; thence eastwardly along the said division line to the Passaic river; thence southwardly along the Passaic river to the place of beginning, shall constitute the eighth ward of the said city.

“IX. All that part of the said city bounded as follows: Recital continued.
Beginning in the middle of Broad street, at a point opposite the middle of Fair street; thence running southwardly along the middle of Broad street to its junction with South Broad street, otherwise called the Essex and Middlesex turnpike road; thence southwardly along the middle of South Broad street, or Essex and Middlesex turnpike road, to its intersection with the New Jersey Railroad avenue; thence northwestwardly along the middle of the said avenue to a point opposite the middle of East Fair street; thence westwardly along the middle of East Fair street to a point in the middle of Liberty street; thence southwardly along the middle of Liberty street to a point opposite the middle of Oak alley;

thence westwardly along the middle of Oak alley to a point in the middle of Columbia street; thence southwardly along the middle of Columbia street to a point opposite the middle of Oak alley; thence westwardly along the middle of Oak alley to a point in the middle of Mulberry street; thence northwardly along the middle of Mulberry street to a point opposite the middle of Fair street; thence westwardly along the middle of Fair street to the place of beginning, shall constitute the ninth ward of the said city.

Recital continued.

“X. All that part of the said city bounded as follows: Beginning in the middle of the New Jersey Railroad avenue, at the centre of Elm street; thence running south-eastwardly along the middle of Elm street to Adams street, and thence in the same line and course to a point in the middle of Hamburg place, or the Great Swamp road; thence southwardly along the middle of Hamburg place, or the Great Swamp road, the several courses thereof to its termination at or near the meadows; thence southwardly in a straight line to the Newark bay, at the mouth of Maple Island creek; thence along the Newark bay the several courses thereof, to the division line between the city of Newark and the city of Elizabeth; thence westwardly along the said division line and the division line between the city of Newark and the township of Clinton, to the middle of the Essex and Middlesex turnpike road; thence northwardly along the middle of said turnpike road until it intersects the New Jersey Railroad avenue; thence north-eastwardly along the middle of said avenue to the place of beginning, shall constitute the tenth ward of the said city.

Recital continued.

“XI. All that part of the said city bounded as follows: Beginning in the middle of the Morris canal, at a point in the division line between the city of Newark and the township of Belleville; thence running southwardly along the middle of the Morris canal to a point in the middle of Sussex avenue; thence westwardly along the middle of Sussex avenue to a point in the middle of First street; thence southwardly along the middle of First street to a point in the middle of the road leading to Orange, formerly known as the Old Crane road; thence northwestwardly along the middle of said Crane road to a point opposite the middle of a road or driftway known as the old Parsonage driftway; thence along the middle of said road or driftway the several

courses thereof, to a point in the middle of Littleton avenue; thence southwardly along the middle of Littleton avenue to a point in the middle of South Orange avenue; thence westwardly along the middle of South Orange avenue to the division line between the city of Newark and the township of Orange; thence along the division line between the city of Newark and the townships of Orange, Bloomfield and Belleville, according to the several courses thereof, to the place of beginning, shall constitute the eleventh ward of the said city.

"3. *And be it enacted*, That if any division line between any of the said wards shall intersect any dwelling house, such dwelling house shall be considered as included in and belonging to the ward in which the largest portion thereof shall happen to lie," be and the said sections are hereby repealed. Recital continued. Repealer.

11. *And be it enacted*, That in lieu and place of the provisions of the said sections two and three of the act entitled "An act to revise and amend the charter of the city of Newark," approved March eleventh, eighteen hundred and fifty-seven, and set forth in the preceding section of this act, that the following provisions of this act be enacted, the said city of Newark shall and the same is divided into fifteen wards, described as follows, to wit: Sections amended.

"I. All that part of the said city bounded as follows: Boundaries of first ward. Beginning at the centre of the Passaic river, in the centre line of Centre street produced; thence westerly along said centre line to the westerly terminus of Centre street; thence northerly along the centre line of Park place to the centre line of Broad street; thence southerly along said centre line to the centre line of West Park street; thence westerly along said centre line to the centre line of Halsey street; thence southerly along the centre line of said street to the centre line of Warren street; thence westerly along said centre line to High street; thence northerly along the centre line of High street to the centre line of Eighth avenue; thence easterly along said avenue to the centre line of Broad street; thence northerly along said line to the centre line of Clay street; thence easterly along said centre line to the centre line of Ogden street; thence northerly along said line to the centre line of Passaic street; thence along said centre line, produced, to the centre line of the Passaic river, and

the boundary line dividing Essex and Hudson counties; thence southerly along said line to the place of beginning, shall constitute the first ward of the said city.

Boundaries of
second ward.

“II. All that part of the said city bounded as follows: Beginning at a point formed by the intersection of the centre lines of Broad and William streets; thence northerly along the centre line of Broad street to the centre line of West Park street; thence westerly along said line to the centre line of Halsey street; thence southerly along said line to the centre line of Warren street; thence westerly along said line to the centre line of High street; thence southerly along said line to the centre line of William street; thence easterly along said line to the centre line of Broad street and place of beginning, shall constitute the second ward of the said city.

Boundaries of
third ward.

“III. All that part of the said city bounded as follows: Beginning at a point formed by the intersection of the centre lines of Broad and William streets; thence westerly along the centre line of William street to the centre line of High street; thence southerly along the said centre line to the centre line of Clinton avenue; thence easterly along said centre line to the centre line of Broad street; thence northerly along said centre line to the place of beginning, shall constitute the third ward of the said city.

Boundaries of
fourth ward.

“IV. All that part of the said city bounded as follows: Beginning at a point formed by the intersection of the centre line of Broad and Fair streets; thence easterly along the centre line of Fair street to the centre line of Mulberry street; thence southerly along said centre line to the centre line of Oak street; thence easterly along said centre line to the centre line of Liberty street; thence northerly along said centre line to the centre line of East Fair street; thence easterly along said centre line to the centre line of New Jersey Railroad avenue; thence in a direct line northerly along the said centre line to the centre line of the Passaic river; thence still northerly along said centre line to its intersection with the centre line of Centre street produced; thence westerly along the centre line of said street to the centre line of Park place; thence northerly along the said centre line to the centre line of Broad street; thence southerly along said centre line to the place of beginning, shall constitute the fourth ward of the said city.

"V. All that part of the said city bounded as follows: Boundaries of fifth ward.
Beginning at a point formed by the intersection of the centre line of Elm street and New Jersey Railroad avenue; thence easterly along the centre line of Elm street to the centre line of Adams street; thence northerly along said centre line to the centre line of Market street; thence still northerly along a line at right angles to the said centre line to the centre of the Passaic river; thence westerly along said centre line to the centre line of the New Jersey Railroad avenue produced in a direct line; thence southerly along said line to the place of beginning, shall constitute the fifth ward of the city of Newark.

"VI. All that part of the said city bounded as follows: Boundaries of sixth ward.
Beginning at a point formed by the intersection of the centre lines of Bank and High streets; thence westerly along the centre line of Bank street to the centre line of Littleton avenue; thence southerly along said centre line to the centre line of South Orange avenue; thence easterly along said centre line to the centre line of Bergen street; thence southerly along said centre line to the centre line of Springfield avenue; thence easterly along said centre line to the centre line of High street; thence northerly along said centre line to the place of beginning, shall constitute the sixth ward of the said city.

"VII. All that part of said city bounded as follows: Boundaries of seventh ward.
Beginning at a point formed by the intersection of the centre lines of High street and Central avenue; thence westerly along the centre line of Central avenue to the centre line of Norfolk street; thence southerly along said centre line to the centre line of Bank street; thence easterly along said centre line to the centre line of High street; thence northerly along said centre line to the place of beginning, shall constitute the seventh ward of the said city.

"VIII. All that part of the said city bounded as follows: Boundaries of eighth ward.
Beginning at a point formed by the intersection of the centre line of Passaic street produced, easterly from Ogden street to the centre line of the Passaic river; thence northerly along said centre line to the northerly boundary line of said city; thence westerly along said boundary line to the Bloomfield township line; thence southerly along said township line to the centre line of First avenue, in said city; thence easterly along said centre line to the centre of the Morris

canal; thence southerly along said centre line to the centre line of Sixth avenue; thence easterly along said centre line to the centre line of Mount Prospect avenue; thence southerly along said centre line to the centre line of Seventh avenue; thence easterly along said centre line to the centre line of High street; thence southerly along said centre line to the centre line of Eighth avenue; thence easterly along said centre line to the centre line of Broad street; thence northerly along said centre line to the centre line of Clay street; thence easterly along said centre line to the centre line of Ogden street; thence northerly along said centre line to the centre line of Passaic street; thence easterly along said centre line produced to the centre of the Passaic river and place of beginning, shall constitute the eighth ward of the said city.

Boundaries of
ninth ward.

“IX. All that part of the said city bounded as follows: Beginning at a point formed by the intersection of the centre lines of Broad street and New Jersey Railroad avenue; thence easterly along the centre line of New Jersey Railroad avenue to the centre line of East Fair street; thence westerly along the centre line of East Fair street to the centre line of Liberty street; thence southerly along the centre line of Liberty street to the centre line of Oak street; thence westerly along the centre of said line to the centre of Mulberry street; thence northerly along said centre line to the centre of Fair street; thence westerly along said centre line to the centre line of Broad street; thence southerly along said centre line to the place of beginning, shall constitute the ninth ward of the said city.

Boundaries of
tenth ward.

“X. All that part of the said city bounded as follows: Beginning at a point formed by the intersection of the centre line of Elm street and New Jersey Railroad avenue; thence southerly along the centre lines of said avenue and Broad street to the centre line of Bound creek, the southerly boundary line of said city; thence easterly along the centre line of Bound creek to a point in Newark bay, the easterly boundary of said city; thence northerly along said line to its intersection with the centre line of South street produced; thence westerly along said centre line to the centre line of the Elizabeth branch of the Newark and New York railroad; thence northerly along said centre line to the centre line of Hamburg place; thence westerly along said centre

line to the intersection of the same and the centre line of Lafayette street; thence still westerly along said line to the centre line of Lang street; thence southerly along said centre line to the centre line of Elm street; thence westerly along said centre line to the place of beginning, shall constitute the tenth ward of the said city.

“XI. All that part of the said city bounded as follows: Boundaries of eleventh ward.
Beginning at a point in the centre line of South Orange avenue where the same intersects the westerly boundary line of said city; thence easterly along said centre line to the centre line of Littleton avenue; thence northerly along said centre line to the centre line of Bank street; thence easterly along said centre line to the centre line of Norfolk street; thence northerly along said centre line till the same intersects the centre line of the Morris canal; thence westerly and northerly along said centre line to the centre line of First avenue; thence westerly along said centre line to the westerly boundary of said city; thence southerly along said boundary line to the place of beginning, shall constitute the eleventh ward of the said city.

“XII. All that part of the said city bounded as follows: Boundaries of twelfth ward.
Beginning at a point formed by the intersection of the centre line of Adams and Elm streets; thence easterly along the centre line of Adams street to its intersection with the centre line of Market street; thence still easterly along a line at right angles to the centre line of Market street to the centre of the Passaic river; thence easterly and southerly along the several courses of said river and Newark bay to the centre line of South street produced; thence westerly along the centre line of South street to the centre line of the Elizabeth branch of the Newark and New York railroad; thence northerly along said centre line to the centre line of Hamburg place; thence westwardly along said centre line to its intersection with the centre line of Lafayette street; thence still westerly along said centre line to the centre line of Lang street; thence southerly along said centre line to the centre line of Elm street; thence westerly along said centre line to the place of beginning, shall constitute the twelfth ward of the said city.

“XIII. All that part of the said city bounded as follows: Boundaries of thirteenth ward.
Beginning at a point formed by the intersection of the centre lines of High and Spruce streets; thence northerly along

the centre line of High street to the centre line of Springfield avenue; thence westerly along said centre line to the centre line of Morris avenue; thence southerly along said centre line to the centre line of West Kinney street; thence easterly along said centre line to the centre line of Lillie street; thence southerly along said centre line to the centre line of Spruce street; thence easterly along said centre line to the place of beginning, shall constitute the thirteenth ward of the said city.

Boundaries of
fourteenth
ward.

“XIV. All that part of the said city bounded as follows: Beginning at a point formed by the intersection of the centre lines of Broad street and Clinton avenue; thence westerly along the centre line of Clinton avenue to the centre line of High street; thence northerly along the centre line of High street to the centre line of Spruce street; thence westerly along said centre line to the centre line of Lillie street; thence northerly along said centre line to the centre line of West Kinney street; thence westerly along said centre line to the centre line of Morris avenue; thence northerly along said centre line to the centre line of Springfield avenue; thence westerly along said centre line to the centre line of Bergen street; thence northerly along said centre line to the centre line of South Orange avenue; thence westerly along said centre line to the westerly boundary of said city; thence southerly, easterly, southerly and easterly, along the several boundary lines of said city, till the said lines intersect the centre line of South Broad street; thence along said centre line to the place of beginning, shall constitute the fourteenth ward of the said city.

Boundaries of
fifteenth ward.

“XV. All that part of the said city bounded as follows: Beginning at a point formed by the intersection of the centre lines of High street and Central avenue; thence northerly along the centre line of High street to the centre line of Seventh avenue; thence westerly along said centre line to the centre line of Mount Prospect avenue; thence northerly along said centre line to the centre line of Sixth avenue; thence westerly along said centre line to the centre line of the Morris canal; thence southerly along its several courses till its intersection with the centre line of Central avenue; thence easterly along the centre line of said avenue to the place of beginning, shall constitute the fifteenth ward of the said city.”

12. *And be it enacted*, That section four of the act entitled "An act to revise and amend the charter of the city of Newark," approved March eleventh, eighteen hundred and fifty-seven, which reads as follows, to wit:

"That the mayor shall be the chief executive officer of the said city of Newark, and shall possess the powers and privileges, and perform the duties which are hereinafter specified; he shall be elected for the term of two years, at the annual charter election in the year eighteen hundred and fifty-seven, and in every second year thereafter, and shall receive such annual compensation for his services, not exceeding eight hundred dollars per annum, as the common council shall by ordinance appoint," be and the same is hereby amended so that said section shall be constituted as follows, to wit:

That the mayor shall be the chief executive of the said city of Newark, and shall possess the powers and privileges, and perform the duties which are hereinafter specified; he shall be elected for the term of two years at the annual charter election in the year eighteen hundred and fifty-seven, and at the annual charter election in every second year thereafter, and shall receive such annual compensation for his services, not exceeding twenty-five hundred dollars per annum, as the common council shall by ordinance appoint; *provided*, that the term of office of the mayor elected at the annual charter election in the year eighteen hundred and seventy-seven, shall expire on the third Tuesday of May, in the year eighteen hundred and seventy-nine."

13. *And be it enacted*, That section five of said act, which reads as follows:

"That the common council of the city of Newark shall consist of two aldermen in and for each of the wards of said city, who shall be divided into two classes, as heretofore, and each of the wards of said city shall, at the annual charter election, elect one person as alderman of said ward, who shall hold such office for the term of two years," be and the same is hereby amended so that said section shall be constituted as follows:

That the common council of the city of Newark shall consist of two aldermen in and for each of the wards of said city, who shall be divided into two classes, as heretofore, and each of the wards of said city shall, at an annual

Election of aldermen. charter election, on the third Tuesday in April, in the year eighteen hundred and seventy-eight, elect two persons as aldermen of said ward, one of whom shall hold his office for the term of one year, and the other of whom shall hold his office for the term of two years; and the electors of said ward shall designate on their ballots the person who shall

Term of office. hold the office for the longer term and the person who shall hold the office for the shorter term, and at an annual charter election, on the third Tuesday in April in every year thereafter, elect one person as alderman of said ward, who shall hold his office for the term of two years.

14. *And be it enacted,* That section six of said act, which reads as follows:

Section to be amended recited. "That the board of education of the city of Newark shall consist of two commissioners of public schools in and for such of the wards of said city, who shall be divided into two classes, as heretofore, and each of the wards of said city shall, at the annual charter election, elect one person as commissioner of public schools of said ward, who shall hold such office for the term of two years," be and the same is hereby amended so that said section shall be constituted as follows:

Amendment. That the board of education of the city of Newark shall consist of two commissioners of public schools in and for each of the wards of said city, who shall be divided into two classes as heretofore; and each of the wards of said city shall at an annual charter election, on the third Tuesday in April, in the year eighteen hundred and seventy-eight, elect two persons as commissioners of public schools of said ward, one of whom shall hold his office for the term of one year, and the other of whom shall hold his office for the term of two years, and the electors of such ward shall designate on their ballots the person who shall

Election of commissioners of public schools.

Term of office. hold the office for the longer term, and the person who shall hold the office for the shorter term; and at an annual charter election on the third Tuesday in April in every year thereafter elect one person as commissioner of public schools of said ward, who shall hold his office for the term of two years.

15. *And be it enacted,* That section seven of said act, which reads as follows:

"That an election by ballot shall be held in each of the

wards of said city on the second Tuesday in October next, and on the second Tuesday in October every year thereafter, at such places as the common council shall appoint, and of which at least six days' previous notice shall be given by the common council in two daily newspapers printed and published in said city; at which time, once in two years as hereinbefore specified, there shall be elected in and for the said city one mayor, who shall hold his office for the term of two years; and in each and every year there shall be elected in and for the said city one auditor of accounts, five chosen freeholders, two surveyors of highways and two coroners, who shall hold their offices respectively for the term of one year; and in and for each of the wards of said city, one alderman and one commissioner of public schools, who shall hold their offices respectively for the term of two years; and one assessor, one collector, three judges of election, one ward clerk, one commissioner of appeals in cases of taxation, one member of the board of excise, and three constables, who shall hold their offices respectively for the term of one year; justices of the peace of the several wards of said city shall be elected at the time prescribed by this act for the election of city and ward officers," be and the same is hereby amended so that said section shall be constituted as follows:

That an election by ballot shall be held in each of the wards of said city on the third Tuesday in April next, and on the third Tuesday in April in every year thereafter, at such places as the common council shall appoint, and of which at least six days' previous notice shall be given by the common council in two daily newspapers printed and published in said city, at which time, in addition to the officers specified in sections five and six, there shall be elected in and for said city two members of the Newark aqueduct board, each of whom shall hold his office for the term of three years, two members of the board of assessment and revision of taxes, each of whom shall hold his office for the term of two years, two trustees of the city reform school, each of whom shall hold his office for the term of two years, two surveyors of highways, each of whom shall hold his office for the term of one year, and in and for each of the wards of said city three constables, each of whom shall hold his office for the term of one year,

Section to be amended recited.

Amendment. Time of holding annual charter election.

Officers to be elected.

and in and for each of the wards of said city one chosen freeholder, who shall hold his office for the term of one year, and one ward clerk, who shall hold his office for the term of one year; justices of the peace of the several wards of said city shall be elected at the time prescribed by this act for the election of city and ward officers, and the third Tuesday in April of each year shall be hereafter the time for the annual charter election in said city.

16. *And be it enacted*, That section fourteen of said act, which reads as follows :

Section to be amended recited.

“ That the term of office of the chosen freeholders of the said city shall commence on the second Wednesday in May next succeeding their election; the term of office of justices of the peace of the several wards of the said city shall commence at the time or times provided by law, and the term of office of all other officers elected at the annual charter election, as herein provided, shall commence on the first Tuesday after the first day of January next succeeding such election, unless elected to supply a vacancy,” be and the same is hereby amended so that said section shall be constituted as follows :

Amendment.
When term of office shall commence.

That the term of office of the chosen freeholders of said city shall commence on the second Wednesday in May next succeeding their election; the term of office of justices of the peace of the several wards of the said city, and of the trustees of the city reform school, shall commence at the time or times provided by law, and the term of office of all other officers elected at the annual charter election, as herein provided, shall commence on the third Tuesday in May next succeeding such election, unless elected to supply a vacancy.

17. *And be it enacted*, That section seventeen of said act, which reads as follows :

Section to be amended recited.

“ That if any person who shall be elected to any office at the annual charter election shall not qualify according to law for the space of forty days after the first Tuesday after the first day of January next succeeding such election, or if any person who shall be elected or appointed to fill any vacancy in any of the said offices shall not qualify according to law for the space of forty days after such election or appointment, his office shall be deemed vacant,” be and the same is hereby amended so that said section shall be constituted as follows :

Amendment.

That if any person who shall be elected to any office at the annual charter election shall not qualify according to

law for the space of forty days after the time fixed for the commencement of his term of office, or if any person who shall be elected or appointed to fill any vacancy in any of the said offices shall not qualify according to law for the space of forty days after such election or appointment, his office shall be deemed vacant.

Time in which persons elected to office may qualify.

18. *And be it enacted*, That section four of the act entitled "An act to authorize the mayor and common council of the city of Newark to purchase the property of the Newark aqueduct company and creating the Newark aqueduct board," approved March twentieth, eighteen hundred and sixty, which reads as follows :

"That William S. Faitoute, Daniel Dodd, Thomas R. Williams, Edward Doughty, Jacob Van Arsdale, Henry G. Darcy and the mayor of the city of Newark, *ex officio*, shall constitute the first board of commissioners; the said the Newark aqueduct board shall elect annually one of their number to be president of the board, may make by-laws and regulations for their government, not inconsistent herewith, and shall determine by lot or otherwise the terms during which the members of the said board other than the mayor shall hold their offices, and these shall be as follows: Two of them shall remain in office one year, two two years, and two three years, all to be computed from the first Tuesday after the first day of January next, and the mayor of the city of Newark, for the time being, shall, *ex officio*, always be one of said board," be and the same is hereby amended so that said section shall be constituted as follows :

Section to be amended recited.

That William S. Faitoute, Daniel Dodd, Thomas R. Williams, Edward Doughty, Jacob Van Arsdale, Henry G. Darcy and the mayor of the city of Newark, *ex officio*, shall constitute the first board of commissioners; the said the Newark aqueduct board shall elect annually one of their number to be president of the board, may make by-laws and regulations for their government, not inconsistent herewith, and shall determine by lot or otherwise the terms during which the members of said board other than the mayor shall hold their offices, and these shall be as follows: Two of them shall remain in office one year, two two years, and two three years, all to be computed from the first Tuesday after the first day of January next; and the mayor of the city of Newark, and the president of the common council of the

Amendment. Names of first commissioners of aqueduct board.

Term of office.

city of Newark, for the time being, shall, *ex officio*, always be members of said board.

19. *And be it enacted*, That section twenty-five of said act, which reads as follows :

Section to be amended recited.

“That at the next charter election to be held in said city, in the year eighteen hundred and sixty-one, and every year thereafter, there shall be elected two members of said Newark aqueduct board, each of whom shall hold his office for the term of three years; no ballot shall be counted which shall contain the name of more than one person as a member of said board; the said election shall be held and conducted in the same manner and subject to the same rules and regulations, and the persons to be so elected shall each be a resident and elector of the said city of Newark; the two persons receiving the highest number of votes shall be declared members of said board, and shall enter upon the discharge of their duties, on the first Tuesday after the first day of January next succeeding such election; any vacancies that shall occur in said board by death, resignation or otherwise shall be filled by the common council of the city of Newark; but the person or persons so appointed shall hold his or their offices only for the residue of the term for which they may be appointed,” be and the same is hereby amended so that said section shall be constituted as follows :

Amendment.

Election of members of aqueduct board

At the next charter election to be held in said city in the year eighteen hundred and sixty-one, and every year thereafter, there shall be elected two members of said Newark aqueduct board, each of whom shall hold his office for the term of three years; no ballot shall be counted which shall contain the names of more than one person as a member of said board; the said election shall be held and conducted in the same manner and subject to the same rules and regulations, and the persons to be so elected shall each be a resident and elector of said city of Newark; the two persons receiving the highest number of votes shall be declared members of said board and shall enter upon the discharge of their duties, on the third Tuesday of May next succeeding said election; *provided*, that the election of members of said board shall hereafter take place at the annual charter election to be held in said city, on the third Tuesday of April of each year, and that the terms of office of all members of said board heretofore elected shall expire on the third

Proviso.

Tuesday of May next preceding the time when they would otherwise have expired had this act not been passed.

20. *And be it enacted*, That section one of an act entitled "A supplement to an act entitled 'An act to revise and amend the charter of the city of Newark,'" approved March eleventh, one thousand eight hundred and fifty-seven, approved March nineteenth, eighteen hundred and sixty-two, which section reads as follows :

"That there shall be elected on the second Tuesday of October next, one chosen freeholder in each and every ward in the city of Newark, and on the second Tuesday in October in each and every year thereafter, in each and every ward in the said city of Newark, in place of the five chosen freeholders heretofore provided for by the provisions of the act to which this is a supplement," be and the same is hereby amended so that said section shall be constituted as follows :

That there shall be elected on the third Tuesday of April next, one chosen freeholder in each and every ward in the city of Newark, and on the third Tuesday of April in each and every year thereafter, in each and every ward in the said city of Newark, in place of the five chosen freeholders heretofore provided for by the provisions of the act to which this is a supplement.

21. *And be it enacted*, That section seven of an act entitled "An act relating to the assessment and revision of taxes in the city of Newark," approved March fifteenth, eighteen hundred and sixty-six, which reads as follows :

"That at the charter election to be held in said city in the year one thousand eight hundred and sixty-six, and every year thereafter, there shall be elected two members of said board, each of whom shall hold his office for the term of two years ; no elector shall vote for more than one person as a member of said board, but in case any ballot shall contain the names of more than one person as a member of said board such ballot shall not be wholly rejected, but only so much thereof as relates to members of said board ; the said election shall be held and conducted in the same manner and be subject to the same rules and regulations, except as hereinafter provided, and the person to be so elected shall possess the same qualifications as are or shall be provided in the case of the election of municipal officers of said city ; the two persons receiving the highest number of votes shall be declared

members of said board, and shall enter upon the discharge of their duties on the first Tuesday after the first day of January next succeeding such election; any vacancies that shall occur in any of the members of said board shall be filled by the said common council on the nomination of the said mayor as aforesaid; but the person or persons so appointed shall hold his or their offices only for the residue of the term for which he or they may be appointed," be and the same is hereby amended so that said section shall be constituted as follows:

Amendment.

Election of
members of
board.

That at the charter election to be held in said city in the year one thousand eight hundred and sixty-six, and every year thereafter, there shall be elected two members of said board, each of whom shall hold his office for the term of two years; no elector shall vote for more than one person as a member of said board, but in case the ballot shall contain the name of more than one person as a member of said board, such ballot shall not be wholly rejected, but only as much thereof as relates to members of said board; the said election shall be held and conducted in the same manner and be subject to the same rules and regulations, except as hereinafter provided, and the person to be so elected shall possess the same qualifications as are or shall be provided in the case of the election of municipal officers of said city; the two persons receiving the highest number of votes shall be declared members of said board, and shall enter upon the discharge of their duties on the third Tuesday of May next succeeding their election; *provided*, that the election of members of said board shall hereafter take place at the annual charter election to be held in said city on the third Tuesday of April of each year, and that the terms of office of all members of said board heretofore elected shall expire on the third Tuesday of May next preceding the time when they would otherwise have expired had this act not been passed; any vacancies that shall occur in any of the members of said board shall be filled by the said common council, on the nomination of the said mayor as aforesaid, but the person or persons so appointed shall hold his or their office only for the residue of the term for which he or they may be appointed.

Proviso.

22. *And be it enacted*, That section eight of said act, which reads as follows:

“That the first member of said board, so nominated by the mayor and appointed by the common council as aforesaid, shall hold his office until the first Tuesday after the first day of January, eighteen hundred and sixty-eight, and the person to be so nominated and appointed thereafter shall hold his office for the term of two years; and he shall possess the same qualifications above mentioned,” be and the same is hereby amended, by adding to such section the following proviso:

Section to be amended recited.

Provided, that the terms of office of all the members of said board heretofore appointed shall expire on the third Tuesday of May preceding the time when they would otherwise have expired if this act had not been passed; the members of said board hereafter to be appointed shall enter upon the discharge of their duties, on the third Tuesday of May next succeeding said appointment.

Amendment. Proviso.

23. *And be it enacted*, That within fifteen days after the passage of this act, the mayor and common council of said city shall proceed to divide the wards of said city as hereby constituted into election districts, and to appoint the necessary inspectors and judges of elections and clerks of elections required by law for each of the election districts so set off, who shall serve until their successors are elected.

Judges and clerks of election, how appointed.

24. *And be it enacted*, That the terms of office of all aldermen and school commissioners, heretofore elected in said city, shall expire on the third Tuesday in May next, and the terms of office of all chosen freeholders heretofore elected in said city shall expire on the second Tuesday in May next, and the terms of office of all other officers heretofore elected at any charter election in said city, except justices of the peace, shall expire on the third Tuesday in May next preceding the time when they would have expired if this act had not been passed.

Expiration of terms of office.

25. *And be it enacted*, That the words “had this act not been passed,” occurring in sections nineteen, twenty-one and twenty-two of this act, shall be construed and taken as referring to the act hereby enacted; and that nothing in this act contained shall be construed or taken to extend the term of office of any person heretofore elected to any office in said city of Newark.

Act, how construed.

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

Repealer.

are hereby repealed, and this act shall be deemed and taken to be a public and a general act and shall be construed accordingly.

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

Approved February 15, 1878.

CHAPTER XV.

An Act to annex a part of the township of West Deptford, in the county of Gloucester, to the township of Deptford in the same county.

Boundary line. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the present western boundary line of the township of Deptford in the county of Gloucester, be and the same is hereby changed so as to make the line of the West Jersey railroad the western boundary line of said township from Big Timber creek at Westville to the junction of the Gloucester and Woodbury turnpike and West Jersey railroad at North Woodbury.

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

Approved February 20, 1878.

CHAPTER XVI.

Supplement to an act entitled "An act to create a new township in the county of Ocean, to be called the township of Manchester," approved April sixth, one thousand eight hundred and sixty-five.

WHEREAS, At the time of setting off from Dover township ^{Preamble.} the portion thereof described in said act constituting the township of Manchester, there belonged to Dover township an interest in the poor house and property, located at Shark River, in the county of Monmouth, state of New Jersey; *and whereas*, through inadvertence the proportion in said poor house and property belonging to that portion of Dover township set off was not conveyed to the said township of Manchester at the time the settlement was made as provided in said act; *and whereas*, the interest belonging to Manchester township in said property still exists in Dover township, and Manchester township has derived no benefit therefrom; therefore,

1. BE IT ENACTED *by the Senate and General Assembly* ^{Dover township committee authorized to convey certain real estate to township of Manchester.} *of the State of New Jersey*, That the township committee of Dover township are hereby authorized, directed and required to convey to the township of Manchester, as soon as they conveniently can after the passage of this act, its proportion of the said poor house real estate located at Shark River, in the county of Monmouth and state of New Jersey, by quit claim deed, and the other property belonging to the same by proper conveyance, as agreed upon between the township committees of the respective townships, said to be three-elevenths of one-sixth part; and that the committee of Dover township that are in office when said conveyance or conveyances are executed, shall sign and execute said conveyance or conveyances.

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

Approved February 20, 1878.

CHAPTER XX.

A Further Supplement to an act entitled "An act to revise and amend the charter of the city of New Brunswick," approved March eighteenth, anno domini one thousand eight hundred and sixty-three.

Further Indebtedness not to be incurred or debt increased.

May borrow money in anticipation of collection of taxes.

Proviso.

Money borrowed in anticipation of taxes, how appropriated.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That from and after the enactment of this law it shall not be lawful for the corporate authorities of said city to make or incur any manner of indebtedness or issue any bonds for any purpose whatsoever, or increase the indebtedness of the city of New Brunswick beyond the present indebtedness of said city; excepting, however, such sums as said corporate authorities may be authorized by law to borrow in anticipation of the annual collection of taxes in said city, until such indebtedness be reduced to within ten per centum of the amount of the assessed taxable valuation of the real estate of said city; *provided*, that nothing herein contained shall be so construed as to prevent the issuing of any bonds in payment or renewal of those falling due.

2. *And be it enacted*, That said amount so borrowed in anticipation of the annual collection of taxes, as in the first section of this act provided, shall be used and expended for the objects and purposes for which the said taxes are levied, and for no other purpose whatsoever; and said amounts so borrowed shall be repaid out of the taxes annually collected, and no part thereof shall be changed or funded into a permanent debt of said city.

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

Approved February 21, 1878.

CHAPTER XXI.

An Act to repeal an act authorizing the erection of a swinging gate across the Double Creek Landing road, near the village of Barnegat, in Ocean county.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the act entitled "An act authorizing the erection of a swinging gate across the Double Creek Landing road, near the village of Barnegat, in the county of Ocean," which reads as follows:

"1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the owners of the meadow between the gate commonly known as Caleb Cranmer's big gate, on the Double Creek Landing road and said Double Creek Landing, to hang a swing gate across said Double Creek Landing road, at the point where the said gate of Caleb Cranmer's now is, and if any person shall stake, shore or leave open, or cut, break or pull down or destroy said gate, he shall for every such offence forfeit and pay two dollars, to be recovered by action of debt, with costs, by any person who shall prosecute for the same, and shall also pay the owners of the soil any damage or damages which they or any of them may have sustained thereby, to be appraised by three neighboring freeholders, or a majority of them, which damages so assessed shall be recovered by action of debt, with costs. Act to be repealed recited.

"2. *And be it enacted*, That this act shall be taken as, Repealer. and deemed to be a public act, and shall take effect immediately," which said act was approved February eleventh, eighteen hundred and sixty-four, be and the same is hereby repealed.

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

Approved February 21, 1878.

CHAPTER XXII.

An Act to confirm and validate an election held in Jersey City, under an act of the legislature entitled "An act concerning commissioners to regulate municipal affairs," approved March sixth, eighteen hundred and seventy-seven.

Preamble.

WHEREAS, At an election held in Jersey City on the tenth day of April, eighteen hundred and seventy-seven, under "An act concerning commissioners to regulate municipal affairs," approved March sixth, eighteen hundred and seventy-seven, the following persons were elected, to wit: William Clark, Michael O'Gready, Robert M. Jarvis, Peter Semler, James F. Crandall and Henry Lembeck, as members of the board of public works; Matthew Monks, David C. Joyce, Nathaniel R. Fowler, Anton Schick, John Q. Bird and James T. Hough, as members of the board of police commissioners; Charles H. Parsons, James Meehan, Charles L. Krugler, Edward O'Donnell, Henry Windecker and Andrew J. Martin, as members of the board of fire commissioners; *and whereas*, the validity of the act and the said election held in Jersey City thereunder, has been impeached upon the ground of the unconstitutionality of said act, among other reasons because as alleged, public notice of the intention to apply for said bill, and the general objects thereof was not given as required by the constitution and the legislation thereunder; *and whereas*, proper public notice has been given of the intention to apply for an act to validate said election; *and whereas*, it is proper that all doubts as to the validity of said election should be set at rest; therefore,

Election validated and confirmed.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That said election, held in Jersey City on the tenth day of April, eighteen hundred and seventy-seven, under said act entitled "An act concerning commissioners to regulate municipal affairs," approved

March sixth, eighteen hundred and seventy-seven, be and the same is hereby validated and confirmed in all things.

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

Approved February 26, 1878.

CHAPTER XXV.

An Act to facilitate judicial proceedings in the county of Morris.

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, general quarter sessions of the peace and orphans' court, in and for the county of Morris, shall hereafter consist of one law judge and such lay judges as shall hold the commissions of the governor in force, 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, and shall be known as the president judge of the said courts, and shall hold the office for the term of five years, and shall be appointed in the same manner as justices of the supreme court are now appointed. Court, how constituted. President judge

2. *And be it enacted*, That whenever the justice of the supreme court holding said circuit court shall be absent, such additional judge by this act provided for, shall be president judge of said courts of common pleas, oyer and terminer, general quarter sessions of the peace and orphans' court. When president judge may preside.

3. *And be it enacted*, That such additional judge shall receive a salary of two thousand dollars per annum, payable by the board of chosen freeholders of said county in quarterly payments, but shall receive no other compensation whatever, and shall not practice law in any of the courts of said county. Compensation.

4. *And be it enacted*, That the courts of common pleas, general quarter sessions of the peace and orphans' court in and for said county, may hold adjourned and special terms of said courts, or either of them, under the regulations May hold adjourned and special sessions.

already provided by statute, in case of the circuit court and court of oyer and terminer and general jail delivery.

5. *And be it enacted*, That whenever any person shall be charged, upon oath, before any justice of the peace, or police justice, or any other officer authorized by law to hear said charge in the county of Morris, with any offence now triable by law before the court of general quarter sessions of the peace of said county, except the crimes of sodomy, rape, polygamy, arson, burglary, robbery, forgery, perjury and subornation of perjury, and crimes punishable with death, and such person shall, in writing signed by him or her addressed to the prosecutor of the pleas of said county, waive indictment and trial by jury, and request to be tried immediately, it shall be the duty of said prosecutor, unless he or the presiding judge of the court of common pleas of said county shall think the public interest will be benefited by denying said request, to apply to the president judge of the said court of common pleas for the immediate trial of said person, and said president judge shall thereupon call a court of special quarter sessions, to be composed of himself and one other judge of said court (if said president judge shall think it necessary to call him), to meet at the court house in said county, which court is hereby empowered and required to try such person with all due speed, having due regard to the circumstances of the case, the public interest, and the possibility of obtaining necessary witnesses; and to determine and adjudge the guilt or innocence of the person charged; if such person be acquitted by said court, he or she shall be forthwith discharged; if he or she shall plead guilty, or be convicted, said court shall thereupon forthwith render and record such judgment of imprisonment, or fine, or both, as shall be authorized by law in case such person had been duly indicted and convicted; and it shall be the duty of said prosecutor (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 offence with which such person is charged, and to which such person shall forthwith plead; and the proceedings for bringing such person for trial before said court, the accusation, plea, trial and sentence shall be in conformity with law and the practice heretofore, except so far as the same are altered by this act; and the costs of all proceedings in said court, under this act, shall be taxed and

paid in the same manner as costs of proceedings upon indictments found in the court of oyer and terminer and general jail delivery of said county are now taxed and paid.

6. *And be it enacted*, That it shall be lawful for said prosecutor to employ such assistants or deputies in the discharge of his duties, to be by him alone compensated and directed as he shall deem necessary.

7. *And be it enacted*, That the clerk of the said county shall be clerk of the court hereby provided for, and shall issue all process whether of *capias*, *subpoena* or execution, which shall be required in carrying out the provisions of this act, which process shall be delivered to the sheriff of said county, and shall be by him served and returned under the same regulations and penalties, and with the same compensation as heretofore; and said sheriff shall be the officer of said court, and exercise the same supervision and direction of all constables and subordinate officers attending said court, and in all things pertaining to the office as heretofore.

8. *And be it enacted*, That hereafter no person charged with larceny in said county, shall be tried otherwise than before said court of special quarter sessions hereby provided for, or on regular indictment according to the usual course of proceedings at law.

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

Approved February 26, 1878.

CHAPTER XXVIII.

A Further Supplement to the act entitled "An act to revise and amend the charter of the city of Camden," approved February fourteenth, eighteen hundred and seventy-one.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That there shall be in and for the city of Camden a board of excise commissioners, which shall consist of three resident freeholders of said city, to be Board of excise commissioners, their term of office and compensation.

nominated by the mayor and confirmed by the common council of said city, whose term of office, except as to the persons first constituting said board, shall be three years, and who shall each receive for their services such annual salary, not to exceed the sum of three hundred dollars, as the said common council shall fix or determine.

2. *And be it enacted*, That all licenses for the sale of strong and spirituous liquors, wine, ale and beer within the limits of said city of Camden shall be granted by said board of excise commissioners; and said board shall have the power to grant license to any person or persons of good moral character, who shall be approved by them, permitting him or them to sell and dispose of, at any one named place within such city, strong and spirituous liquors, wines, ale and beer in quantities less than five gallons at a time, and upon receiving a license fee to be fixed by said board; and there shall be hereafter a separate license granted for the sale of ale and beer, and another for the sale of spirituous liquors and wines; the license fee for selling ale and beer shall be not less than twenty-five nor more than fifty dollars, and the license fee for selling spirituous liquors and wines shall not be less than fifty dollars nor more than one hundred dollars for each license; such licenses shall only be granted on written application to the said board signed by the applicant or applicants, specifying the place for which license is asked, and the license shall be kept displayed by being hung up by the person or persons licensed in a conspicuous position in the room or place where his or their sales are made; any omission so to display and exhibit such certificate shall be presumptive evidence that any person or persons omitting to exhibit and display the same has and have no license; the said board of excise commissioners shall keep a complete record of the names of all persons licensed as herein provided with a statement of the place licensed and license fee imposed and paid in each case, which said record they shall at all times permit to be seen in a convenient place at their office in said city; persons not licensed may keep, and in quantities not less than five gallons at a time, sell and dispose of strong and spirituous liquors, wine, ale and beer in said city; *provided*, that no part thereof shall be drunk or used in the building, garden or inclosure communicating

Licenses to be granted by board of excise.

License fee.

Certificate of license to be displayed in room where sales are made.

Commissioners shall keep a record of names of persons licensed.

Sales without license.

Proviso.

with or in any public street or place contiguous to the building in which the same is kept, disposed of or sold.

3. *And be it enacted*, That the mayor of said city shall nominate to the common council of said city at their first regular meeting held after the passage and approval of this act three resident freeholders of said city as members of said board for the term to expire, as hereinafter mentioned; all nominations made to the common council by the mayor, under the provisions of this act, shall be confirmed or rejected by said common council at once; and in case of the rejection of such nominees or any of them, the mayor shall continue so to nominate one, two or three persons, as the case may be, until the nominations are confirmed and the board is complete.

Nominations to be made to common council by the mayor.

4. *And be it enacted*, That the term of office of the three persons first constituting said board shall be determined by lot, one to remain in office until the first Tuesday after the first day of January, in the year eighteen hundred and seventy-nine, another to remain in office until one year thereafter, and the third to remain in office until the first Tuesday after the first day of January in the year eighteen hundred and eighty-one; and that in the month of December, in the year eighteen hundred and seventy-eight, and in the month of December in each and every year thereafter, the mayor of said city shall nominate to said common council a resident freeholder of said city to be a member of said board for the term of three years from the first Tuesday after the first day of January of the following year; when in case of the failure or refusal of the mayor to nominate or of the common council to confirm, or for any other reason the time for the commencement of any term of office of any member of said board as aforesaid shall pass by without a new appointment having been made and confirmed, then the members of said board for the preceding term shall hold over and perform all the duties of commissioners of excise until a new appointment shall be made and confirmed and such new member shall qualify; in case of a vacancy in said board by reason of death, resignation, failure to qualify according to law or otherwise, the said mayor shall nominate to the said common council some eligible person or persons to fill said vacancy or vacancies, and the person or persons nominated and confirmed to fill said vacancy or vacancies

Term of office of first commissioners.

One commissioner to be appointed each year for term of three years.

Vacancies, how filled.

shall be members of the board for the remainder of the then unexpired term, and may hold over as above provided.

Board to meet regularly each and every week

Books to be open to the inspection of mayor, &c.

Appointment of president of the board.

Appointment of inspector of excise.

Compensation to be fixed by common council.

Members of the board to subscribe an oath and give bond.

5. *And be it enacted*, That the said board shall meet regularly each and every week, and more frequently if necessary, for the purpose of receiving and passing upon applications for license and for transaction of such business as may properly come before them, and shall keep or cause to be kept full and complete records and minutes of the doing of said board at each meeting held by them in a proper book or books; which said book or books shall, except when the said board are in session, be kept in the office of the city clerk of said city, and shall be open to the inspection of the mayor and common council of said city and the officers of any department of the city government, when required, and subject to such other provisions as the common council may ordain; said board may appoint one of their own number to be president of the board, and may adopt such by-laws for the government of the board as they may deem proper; the said common council shall provide such room or rooms for the use of said board as to the said common council may seem best, and fit up the same and furnish all the books, blanks and stationery, license certificate, and other things necessary for the transaction of the business of said board; said common council shall from time to time appoint some suitable person to be inspector of excise, whose duty it shall be to faithfully and thoroughly inspect all places where strong and spirituous liquors, wine, ale or beer are sold within the said city of Camden, and promptly report to the said board the names and places of business of all persons who are selling without the license of the board or who may violate any of the provisions of this act, and to perform such other duties as may be required of him by said board or by the said common council, who shall have power by ordinance or by resolution to more fully define or prescribe the duties of said inspector; the common council shall fix the compensation to be paid to said inspector, and he may be removed from office by them at any time; the city clerk of said city shall be the clerk of said board; each person confirmed as a member of said board shall qualify within ten days thereafter by (before he enters upon the duties of his office) taking and subscribing the oath provided for in section eighteenth of the city charter, and shall also enter into and deliver to

the city clerk a bond to the mayor and common council of the city of Camden in the sum of two thousand dollars with two sufficient sureties, to be approved by the committee on finance of the common council.

6. *And be it enacted*, That said board shall cause to be printed, in pamphlet or circulars, this act or a proper synopsis thereof, together with the rates of license fees adopted by them, which pamphlets or circulars shall be kept in their office for distribution to suitable persons and for information and inspection, and a copy shall be given to each person to whom license shall be granted; each license shall be granted for one year only, and the full amount of the license fee shall be paid in when application shall be made for license in each case, and no license shall be granted by said board until the full amount of the license fee is paid to them by the person or persons applying for the same.

Act to be printed and distributed together with rates of license fees adopted by the board.

License to be granted for one year only.

7. *And be it enacted*, That said board shall, each and every week, pay over to the treasurer of the city of Camden the total amount received by them for license fees during said week, and, at the same time, present to the said treasurer a complete statement and account, in writing, of all the licenses granted by them during said week, the persons to whom granted, and the residence of said persons, and the amount of license fees paid in each case, the time when it was paid and when the license was granted, and whether it was for the sale of strong and spirituous liquors, or wines, or ale, or beer, and the place where the same was licensed to be sold.

License fees to be paid over to city treasurer.

8. *And be it enacted*, That whoever shall sell any strong or spirituous liquors, wines, ale or beer in quantities less than five gallons at a time at any place within said city, without having a license therefor, granted as herein provided, shall forfeit and pay fifty dollars for each offence.

Penalty for selling without license.

9. *And be it enacted*, That no inn, tavern, hotel, victualing house or saloon keeper, or any other person licensed to sell any strong or spirituous liquors or wines within said city, shall sell or give away any such liquors or wine to any apprentice or any minor under the age of twenty-one years, knowing or having reason to believe him to be such, under a penalty of ten dollars for each offence.

Liquors not to be sold to minors.

Penalty.

10. *And be it enacted*, That any justice of the peace of the city of Camden shall have jurisdiction in the matter of

Justice of the
peace to have
jurisdiction for
any violation of
act.

all complaints for the violation of any of the provisions of this act, and shall have full power and authority to hear, adjudge and determine such complaints, and issue warrants and other processes, and impose the fines and penalties provided for in this act; and every justice of the peace of said city shall make payment of the fines, penalties and costs received by him in all matters coming before him under this act, to the treasurer of said city of Camden.

Licenses al-
ready granted
to be valid.

11. *And be it enacted*, That all licenses heretofore granted and unexpired in said city of Camden, and in relation to which the law has been complied with, shall be valid until the time for which they were granted shall expire; *provided*, the holders of said license shall keep the same displayed and exhibit them as is required by law; *provided*, they shall in all other respects conform to the requirements of this act; and in case they shall violate any of the provisions of said section, or any other provision of this act, they shall be subject to the penalties of said violations.

Proviso.

Proviso.

Repealer.

12. *And be it enacted*, That all provisions and supplements inconsistent with any of the provisions of this act are hereby repealed; and this act shall be deemed and taken to be a public act, and shall take effect immediately.

Passed February 28, 1878.

CHAPTER XXIX.

A Further Supplement to "An act to incorporate the board of education of the city of Camden," approved the ninth day of February, A. D. one thousand eight hundred and fifty-four.

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 to incorporate the board of education of the city of Camden," approved the ninth day of February, A. D. one thousand eight hundred and fifty-four, which reads as follows:

"5. *And be it enacted*, That the said board are hereby authorized to purchase and hold in the name of 'The Board of Education of the City of Camden,' suitable lots of ground in the said city, and to erect thereon such buildings and improvements as shall be required for the use and proper management of the public schools of said city, and to sell, pledge, mortgage or otherwise dispose of said lots, as they shall deem best for the interest of said schools,' be amended so as to read as follows:

"5. *And be it enacted*, That the said board are hereby authorized to purchase and hold, in the name of 'The Board of Education of the City of Camden,' suitable lots of ground in the said city, and to erect thereon such buildings and improvements as shall be required for the use and proper management of the public schools of said city, and to sell said lots if deemed for the best interests of said schools."

2. *And be it enacted*, That the sixth section of the act entitled "An act to incorporate the board of education of the city of Camden," approved the ninth day of February, A. D. one thousand eight hundred and fifty-four, which reads as follows:

"6. *And be it enacted*, That for the purposes mentioned in the foregoing section, the said board of education shall have power from time to time to raise by loan such sum or sums of money as they may require, and may make provision for the payment of such loans and the interest thereon, by appropriating therefor a portion of the school moneys that come into their hands; *provided, nevertheless*, that the amount of such loans shall not, at any one time, exceed the sum of ten thousand dollars," be and the same is hereby repealed.

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 this act shall take effect immediately.

Approved February 28, 1878.

CHAPTER XXXVI.

An Act to define and establish the boundaries of the several assembly districts of the county of Morris.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section nineteen of the act entitled "An act to reapportion the several assembly districts of the state of New Jersey," which act was approved March twenty-second, anno domini eighteen hundred and seventy-one, and which section reads as follows:

Section to be repealed recited.

"19. *And be it enacted*, That the county of Morris shall constitute three districts, the first district to be composed of the townships of Chatham, Hanover, Montville and Morris; the second district to be composed of the townships of Boonton, Pequannock, Rockaway and Jefferson; the third district to be composed of the townships of Passaic, Mendham, Chester, Washington, Roxbury and Randolph," be and the same is hereby repealed.

Repealer.

Amendment.

Assembly districts.

2. *And be it enacted*, That from and after the passage of this act the county of Morris shall constitute three districts, the boundaries whereof shall be respectively as follows: The first district to be composed of the townships of Chatham, Passaic, Morris, Mendham and Chester; the second district to be composed of the townships of Rockaway, Boonton, Pequannock, Montville and Hanover; the third district to be composed of the townships of Washington, Mount Olive, Roxbury, Randolph and Jefferson.

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

Approved March 4, 1878.

CHAPTER XXXVII.

An Act to repeal the act entitled "An act to set off from the township of Alexandria, in the county of Hunterdon, a new township, to be called the township of Holland," passed March twenty-seventh, eighteen hundred and seventy-four.

1. BE IT ENACTED *by the Senate and General Assembly* Repealer.
of the State of New Jersey, That the act entitled "An act to set off from the township of Alexandria, in the county of Hunterdon, a new township, to be called the township of Holland," passed March twenty-seventh, eighteen hundred and seventy-four, be and the same is hereby repealed.
2. *And be it enacted*, That the township officers of the said Township officers to pay over money, &c.
 township of Holland shall within ten days after the passage of this act deliver over to the officers of the township of Alexandria all the records, books, papers, vouchers and moneys of the said township of Holland.
3. *And be it enacted*, That the collector of the township Collection of taxes assessed and due.
 of Alexandria shall have the power and authority to ask, demand and collect all taxes assessed in said township of Holland and still remaining outstanding and due upon the duplicates of the assessors of the said township of Holland.
4. *And be it enacted*, That the justices of the peace elected Term of office of justices of peace and commissioners of deeds not affected.
 in the said township of Holland and now in commission, and the commissioners of deeds duly appointed and commissioned for said township shall hold their offices, respectively, until their terms shall expire, as if this act had not been passed.
5. *And be it enacted*, That this act shall take effect immediately.
- Approved March 4, 1878.

CHAPTER XLIII.

An Act to change the name of the township of West Woolwich, in the county of Gloucester, to the name of Logan.

Logan township.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the name of the township of West Woolwich, in the county of Gloucester, be and the same hereby is changed to the name Logan, and that hereafter the township now called and known as the township of West Woolwich, in the county of Gloucester, shall be called the township of Logan.

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

Approved March 6, 1878.

CHAPTER XLIV.

An Act in relation to the extension of the boundaries of the city of Plainfield.

Boundary line extended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the limits of the city of Plainfield shall be and the same are hereby extended on the northeasterly line by continuing the said line in the centre of the Terrell road in a southeasterly direction to the centre of the road intersecting the same at the Jackson school house; thence along the centre of said last mentioned road in a southwesterly direction to the road known as the extension of Leland avenue; thence in a southerly course to the intersection of the Randolph road with the Short Hill road; and also to extend the southwesterly boundary of said city

so as to include within the city limits all of that portion of the township of Plainfield lying between the present southwesterly boundary of said city and the counties of Somerset and Middlesex.

2. *And be it enacted*, That the township of Plainfield is hereby abolished; that the assessor and collector of said township elected or appointed shall remain in and perform the duties of their respective offices for the term for which they were elected or appointed, after which the assessor and collector of said city shall have the same powers and perform the duties as the assessor and collector of said township are now required to perform.

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

Approved March 6, 1878.

CHAPTER XLV.

An Act to create a new township in the county of Union, to be called the township of Fanwood.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all that portion of the townships of Westfield and Plainfield, in the county of Union, lying within the boundaries and descriptions following, to wit: Beginning in the centre of the Terrell road at the junction with the Green brook and the city of Plainfield; thence northerly following the Green brook to Feltville until it meets the road coming down the mountain near the factory; thence in a southerly direction straight over the mountain until it strikes the Jerusalem road, where the Morse road meets the Jerusalem road; thence in a southerly course to the intersection of Broad street and the Rahway road, opposite the residence of Theodore Hatfield; thence along the centre of said Rahway road to the line of Clark township; thence along the line of Clark township in a southwesterly direction to the line of Middlesex county;

thence in a westerly course along the line of Middlesex county to the Short Hill road and line of the city of Plainfield; thence northerly along the line of the city of Plainfield to its intersection with the Randolph road; thence in a northeasterly course to the intersection of the extension of Leland avenue and the road leading to the Jackson school house; thence along said road northeasterly to the Terrell road; thence along the Terrell road in a northwesterly direction to the place of beginning, be and the same is hereby set off from the said townships of Westfield and Plainfield and created into a new township, to be called and known by the name of "the township of Fanwood."

Corporate name

2. *And be it enacted*, That the inhabitants of the township of Fanwood are hereby constituted a body politic and corporate in law, and shall be styled and known by the name of "the inhabitants of the township of Fanwood, in the county of Union," and shall be entitled to all rights and powers, authority, privileges and advantages, and subject to the same regulations, government and liabilities as the inhabitants of the other townships in the said county of Union are or may be entitled or subject to by existing laws of this state, and to the provisions of any special laws in relation to the said townships of Westfield and Plainfield, so far as the same are or can be applicable to said township of Fanwood, when set off as aforesaid.

Place of holding first town meeting.

3. *And be it enacted*, That the inhabitants of the township of Fanwood shall hold their first town meeting at the truck house of the Excelsior Hook and Ladder Company, No. 1, in the village of Scotch Plains in said township, on the second Tuesday of March next, and thenceforward at such place in said village as the inhabitants may appoint at each prior annual town meeting.

Town committee of Fanwood and Westfield to meet and divide properties and moneys.

4. *And be it enacted*, That the town committee of the townships of Fanwood and Westfield, respectively, shall meet at such time as they or a majority of each of them shall agree upon, not later than the first day of July next, and on said first day of July next, at ten o'clock in the forenoon of that day, if not sooner agreed upon, at the place hereinbefore mentioned, in the village of Scotch Plains, and then and there proceed in writing signed by a majority of the members present, to allot and divide between the townships all properties and moneys in hand or due belonging to

said township of Westfield, and all debts owing by said township of Westfield in proportion to the taxable properties and ratables with the townships of Fanwood and Westfield respectively, or appraised by the commissioners hereinafter mentioned; and the inhabitants of the township of Fanwood shall be liable to pay the proportion of the debts of the township of Westfield, so assigned and allotted to them; and it shall be the duty of the town committee of the township of Fanwood, if necessary, to issue a bond or bonds, with interest payable semi-annually to the township committee of the township of Westfield for their proportion of the debt, as allotted to them by the commissioners hereinafter mentioned; and if any of the persons comprising either of the township committees should neglect or refuse to meet as aforesaid, those assembled may proceed to make such division, and the decision of a majority of those present shall be final and conclusive.

5. *And be it enacted*, That the town committee of the townships of Fanwood and Plainfield, who for that purpose shall be continued in office, respectively, shall meet at such time as they or a majority of each of them shall agree upon, not later than the first day of July next, and on said first day of July next, at ten o'clock in the forenoon of that day, if not sooner agreed upon, at the place hereinbefore mentioned in the village of Scotch Plains, and then and there proceed in writing, signed by a majority of the members present, to allot and divide between the townships all properties and moneys in hand or due belonging to said township of Plainfield, and all debts owing by said township of Plainfield in proportion to the taxable properties and ratables within the townships of Fanwood and Plainfield, respectively, as appraised by the commissioners hereinafter mentioned; and the inhabitants of the township of Fanwood shall be liable to pay the proportion of the debts of the township of Plainfield, so assigned and allotted to them; and it shall be the duty of the town committee of the township of Fanwood, if necessary, to issue a bond or bonds, with interest payable semi-annually, to the township of Plainfield, or its successor, for their proportion of the debt, as allotted to them by the commissioners hereinafter mentioned; and if any of the persons comprising either of the township committees should neglect or refuse to meet as aforesaid, those assembled may

Town committee of Fanwood and Plainfield to meet, allot and divide properties and moneys.

proceed to make said division, and the decision of a majority of those present shall be final and conclusive.

Township committee may assess real and personal property to raise money, &c.

6. *And be it enacted*, That it shall be the duty of the township committee of the township of Fanwood, if necessary, and they are hereby required to cause to be assessed upon the real estate and personal property of said township of Fanwood, and collect therefrom such sum or sums annually as may be sufficient to meet the payments falling due, as provided by the foregoing sections.

Names of commissioners to appraise taxable property and ratables.

7. *And be it enacted*, That Seth B. Ryder, of Elizabeth, Edgar Pierson, of the township of Springfield, and Noah Woodruff, of the township of Union, are hereby appointed commissioners to appraise the taxable properties and ratables of the said townships of Fanwood, Westfield and Plainfield, which appraisement shall be made prior to the first day of July next, and upon that day if not sooner done, and shall be the basis for the apportionment of the properties, money and debts of the townships of Fanwood, Westfield and Plainfield, as aforesaid, and the proper expenses of the appraisement shall be allowed by said town committees in their said respective joint meetings; one-third of said expenses shall be paid by each of said three townships.

Right to surplus revenue of United States not affected.

8. *And be it enacted*, That nothing in this act shall be so construed as to impair or in anywise affect the right of the said township of Fanwood of, in or to any portion of the surplus revenue of the United States government, to which the said township may now, or at any time hereafter be entitled in the distribution of the surplus revenue of its income.

To be part of third assembly district.

9. *And be it enacted*, That the township of Fanwood shall form a part of the third assembly district of the county of Union.

Not to affect certain officers.

10. *And be it enacted*, That nothing in this act shall be so construed as to interfere with the officers now elected, in that part of the township set off and called Fanwood, nor with the commissions of the justices of the peace, nor commissioners to take acknowledgments of deeds, until they shall expire by their own limitation.

Name of judge and inspectors of first election.

11. *And be it enacted*, That the inhabitants of the township of Fanwood shall hold their first township meeting at the time and place hereinbefore set forth, and at the first township election William C. Stanberry shall be the judge of election, and Richard H. Nodyne and George W. Randolph.

inspectors of election, and in case of the absence of one or more of them the vacancy shall be filled by the electors present as in other township elections, and a majority of such inspectors and judge shall appoint a clerk of said election.

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

Approved March 6, 1878.

CHAPTER XLVII.

An Act to establish a county poorhouse and farm, and provide for its maintenance, in the county of Hunterdon.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the board of chosen freeholders of the county of Hunterdon shall, immediately after the passage of this act, purchase a suitable farm in their discretion in said county, not exceeding three hundred acres, and establish thereon such buildings as may be necessary to provide for the poor and impoverished of the county now or hereafter made the burthen of the townships of said county. May purchase farm and erect buildings for poorhouse purposes.

2. *And be it enacted*, That the said board of chosen freeholders shall have the power to issue bonds or borrow money, for the purpose of carrying out the objects of this act, to the sum of thirty thousand dollars, and to appoint such supervisors or agent as may be required to fully sustain the charitable purposes and economy contemplated in such cases. May issue bond

3. *And be it enacted*, That on and after the passage of this act and the establishment of such farm, it shall be the duty of the township authorities to send their poor chargeable to them to the place hereinbefore provided. Township authorities to send poor chargeable to them to place provided by this act.

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

Passed March 7, 1878.

CHAPTER XLVIII.

An Act to regulate fishing in Budd's Lake, in the township of Mt. Olive, in the county of Morris.

Penalty for fishing in Budd's lake with set lines, &c.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That from and after the passage of this act no person or persons shall put, or place, or set, or cause to be put, placed, or set, in the waters of Budd's lake, in the township of Mount Olive, in the county of Morris, in this state, any set line or lines with hooks, or any contrivance for taking fish commonly known as and called a set line, under the penalty of ten dollars for each and every offence, to be recovered in an action of debt in any court of competent jurisdiction, with costs of suit, by any person who will sue for the same, the one-half thereof for his own use, the other half for the use of the poor of said township of Mount Olive.

Penalty for fishing at any time during the period of five years next succeeding the passage of this act.

2. *And be it enacted*, That for and during the full term and period of five years next succeeding the passage of this act, no person or persons shall, between the first day of November and the first day of May in each and every of said five years, fish, catch, kill, or in anywise or by any means or contrivance whatsoever catch, take, or destroy any fish in Budd's lake, in said township of Mount Olive, under the penalty of ten dollars for each and every offence, to be recovered in an action of debt in any court of competent jurisdiction, with costs of suit, by any person who will sue for the same, the one-half to the use of the person prosecuting, the other half for the use of the poor of said township of Mount Olive.

Process to be in nature of summons or warrant.

3. *And be it enacted*, That in any suit instituted for the recovery of any penalty under this act, the first process to be made use of shall be either a summons or warrant, at the option of the person prosecuting.

Repealer.

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

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

Approved March 7, 1878.

CHAPTER LIV.

An Act to repeal three acts, supplements to an act to set off from the township of Bloomfield, in the county of Essex, a new township to be called the township of Montclair.

1. BE IT ENACTED *by the Senate and General Assembly* Titles of acts to be repealed recited. *of the State of New Jersey*, That the act entitled "A further supplement to 'An act to set off from the township of Bloomfield, in the county of Essex, a new township to be called the township of Montclair,'" approved April fifteenth, eighteen hundred and sixty-eight, approved March eighth, eighteen hundred and seventy; and an act entitled "A further supplement to an act entitled 'An act to set off from the township of Bloomfield, in the county of Essex, a new township to be called the township of Montclair,'" approved April fifteenth, one thousand eight hundred and sixty, approved April sixth, eighteen hundred and seventy-one; and an act entitled "A further supplement to an act entitled 'An act to set off from the township of Bloomfield, in the county of Essex, a new township to be called the township of Montclair,'" approved April fifteenth, one thousand eight hundred and sixty-eight, approved March thirty-first, eighteen hundred and seventy-three, be and the Repealer. same are hereby repealed.

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

Approved March 11, 1878.

CHAPTER LV.

An Act to establish a new township in the county of Gloucester, to be called the township of Glassboro.

- Boundaries.** 1. *BE IT ENACTED by the Senate and General Assembly of the State of New Jersey,* That all that part of the township of Clayton, contained within the following bounds, that is to say: Beginning at a point where the public road from Fries Mill to Blackwoodtown and the line between the township of Monroe and Clayton intersect; thence northerly along the line of said Monroe township and Washington township until it strikes the township of Mantua; thence westerly along said last mentioned township and the township of Harrison to a stone in the middle of the public road leading from Union to Simkins' Mill; thence southeastwardly in a direct course to the place of beginning, be and the same is hereby set off in a new township, to be called the township of Glassboro.
- Corporate name** 2. *And be it enacted,* That the inhabitants of the township of Glassboro are hereby constituted a body politic and corporate in law, and shall be styled and known by the name of "The inhabitants of the township of Glassboro, 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 liabilities as the inhabitants of the other townships in the said county of Gloucester are or may be entitled or subjected to by existing laws of this state.
- Place of holding first township meeting.** 3. *And be it enacted,* That the inhabitants of the township of Glassboro shall hold their first township meeting at the Temperance House, at Glassboro, in the said township of Glassboro, on the second Tuesday in March next, and afterwards in each year at such place as the inhabitants of said township shall determine.

4. *And be it enacted*, That the township committees of Glassboro and Clayton shall meet on the first Monday of April, anno domini eighteen hundred and seventy-eight, at the house of William T. Cozzins, at Glassboro, at ten o'clock in the forenoon, and may adjourn from time to time, and then and there proceed by writing, signed by a majority of those present, to allot and divide between the said townships all properties and moneys on hand, due or to become due, in proportion to the taxable property and ratables as taxed by the assessors, within their respective limits at the last assessment; and the inhabitants of the township of Glassboro shall be liable to pay their just proportion of the debts, as ordered and directed at the last annual town meeting of the township of Clayton; and if any of the persons comprising either of the township committees should neglect or refuse to meet as aforesaid, those assembled may proceed to make the said division, and the decision of a majority of those present shall be final and conclusive.

Township committees to meet to allot and divide properties and moneys, &c.

5. *And be it enacted*, That nothing in this act shall be construed to impair or in any wise affect the rights of the said township of Glassboro, in and to its just and legal portion of the surplus revenue of the general government, and the interest due or becoming due thereon.

Right to surplus revenue not impaired.

6. *And be it enacted*, That nothing in this act shall be construed so as to interfere with the officers now elected in that part of the township set off and called Glassboro, nor with the commissions of the justices of the peace, nor commissioners to take acknowledgments of deeds, until they shall expire by their own limitation.

Justices of the peace, &c., to hold until expiration of term

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

Approved March 11, 1878.

CHAPTER LVI.

A Supplement to the act entitled "An act to incorporate Morristown," approved April sixth, eighteen hundred and sixty-five.

Repealer.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all parts and portions of the act to which this is a supplement, and all parts and portions of the supplement to said act, which supplement was approved March fifteenth, eighteen hundred and sixty-six, whereby any power or authority, to grant licenses to keep an inn or tavern, or to sell ale, strong beer, lager beer, porter, wine and other malt liquors, within the limits of the said town of Morristown, is conferred upon or vested in the mayor, recorder, aldermen and common councilmen of Morristown, be and the same are hereby repealed.

Power to grant licenses, &c., to be and remain in the courts.

2. *And be it enacted*, That hereafter the power or authority to grant licenses to keep an inn or tavern, or to sell ale, strong beer, lager beer, porter, wine and other malt liquors, within the limits of the said town of Morristown, shall be and remain in the courts having jurisdiction over such matters in accordance with the acts of the legislature entitled "An act concerning inns and taverns," approved April seventeenth, eighteen hundred and forty-six, as also 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, A. D. eighteen hundred and seventy-two.

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

Passed March 12, 1878.

CHAPTER XLIII.

A Further Supplement to an act entitled "An act revising the act to incorporate the city of Bayonne in the county of Hudson and state of New Jersey, approved March tenth, eighteen hundred and sixty-nine," approved March twenty-second, eighteen hundred and seventy-two.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section two of "An act to incorporate the city of Bayonne in the county of Hudson and state of New Jersey," approved March tenth, eighteen hundred and sixty-nine, which reads as follows.

"2. *And be it enacted*, That the said city shall be divided into three wards in the manner following, to wit: All that portion of said township south of the centre line of Linnet street extended, southerly and easterly to Kill Von Kull and northerly and westerly to Newark bay, to constitute the first ward; and from said line northerly to and including two hundred and thirty feet north of the northerly line of Huron avenue, and parallel with said avenue from New York bay to Newark bay, to constitute the second ward; and all that portion of said township north of said northerly line of Huron avenue to constitute the third ward of said city; and these divisions shall remain until changed by the mayor and council, who shall have power once in four years, dating from the passage of this act, to revise, and if in their judgment it is necessary, alter said divisions or increase the number of said wards," be and the same is hereby repealed. Section to be repealed recited.

"2. *And be it enacted*, That section one of an act entitled "A further supplement to an act entitled 'An act to incorporate the city of Bayonne,' approved March tenth, eighteen hundred and sixty-nine," approved March seventeenth, eighteen hundred and seventy, which reads as follows:

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the word 'northerly,' and Section to be repealed recited.

the words 'of Huron avenue,' be stricken out of the eighth line of the second section of the act to which this is a supplement, and that the word 'boundary' be inserted in said section and line in the place of the word 'northerly,'" be and the same is hereby repealed.

Repealer.

3. *And be it enacted*, That section three of an act entitled "An act to amend 'An act to incorporate the city of Bayonne in the county of Hudson and state of New Jersey,' approved March tenth, one thousand eight hundred and sixty-nine, and the several supplements thereto," approved March thirty-first, one thousand eight hundred and seventy-one, which reads as follows :

Section to be repealed recited.

"3. *And be it enacted*, That section two of an act entitled 'An act to incorporate the city of Bayonne in the county of Hudson and state of New Jersey,' be amended so as to read as follows: 'That the said city shall be divided into three wards in the manner following, to wit: All that portion of said township south of the centre line of Linnet street extended, southerly and easterly to Kill Von Kull, and northerly and westerly to Newark bay, to constitute the first ward; and from said line northerly to, and including two hundred and thirty feet north of the northerly line of Huron avenue and parallel with said avenue from New York bay to Newark bay, to constitute the second ward; and all that portion of said township north of said boundary line to constitute the third ward of said city; and these divisions shall remain until changed by the mayor and council, who shall have power once in four years, dating from the passage of this act, to revise, and if in their judgment it is necessary, alter said divisions or increase the number of said wards," be and the same is hereby repealed.

Repealer.

4. *And be it enacted*, That section two of "An act revising the act to incorporate the city of Bayonne, in the county of Hudson and state of New Jersey," approved March tenth, eighteen hundred and sixty-nine, approved March twenty-second, eighteen hundred and seventy-two, which reads as follows :

Section to be amended recited.

"2. *And be it enacted*, That the said city shall be divided into three wards in the manner following, to wit: All that portion of said township south of the centre line of Linnet street extended, southerly and easterly to Kill Von Kull and

northerly and westerly to Newark bay, to constitute the first ward; and from said line northerly to and including two hundred and thirty feet north of the northerly line of Huron avenue, and parallel with said avenue, from New York bay to Newark bay, to constitute the second ward; and all that portion of said township north of said boundary line, to constitute the third ward of said city; and these divisions shall remain until changed by the mayor and council, who shall have power once in four years, dating from the tenth day of March, eighteen hundred and sixty-nine, to revise and, if in their judgment it is necessary, alter said divisions or increase the number of said wards," be and the same is hereby amended so as to read as follows:

2. *And be it enacted*, That the said city shall be divided Amendment.
into four wards in the manner following, to wit: All that Boundaries of
portion of the city of Bayonne described as follows, namely: wards.
Beginning at a point in Newark bay where the centre line First ward.
of Twenty-second street extended would intersect the west-
erly boundary line of said city; thence southeastwardly to
and along the centre line of Twenty-second street to the
centre line of Avenue A; thence southwestwardly along the
centre line of Avenue A to the centre line of Eighteenth
street; thence southeastwardly to and along the centre line
of Eighteenth street to the centre line of Avenue D; thence
southwestwardly along the centre line of Avenue D to the
centre line of Fifth street; thence eastwardly along the
centre line of Fifth street to the centre line of East street;
thence southwardly along the centre line of East street to a
point in the Kill Von Kull where the centre line of East
street extended would intersect the boundary line between
the states of New Jersey and New York; thence westwardly
along said boundary line through the Kill Von Kull into
Newark bay as far as the boundary of said city extends;
thence northeastwardly along said boundary line in Newark
bay to the place of beginning, shall constitute the first ward
of said city; all that portion of the said city described as
follows, namely: Beginning at a point in Newark bay Second ward.
where the centre line of Thirtieth street extended would
intersect the westerly boundary line of said city; thence
northeastwardly along said boundary line in Newark bay to
a point where the centre line of Division street extended
would intersect said boundary line; thence southeastwardly

to and along the centre line of Division street, and continuously to a point in New York bay where the centre line of Division street extended would intersect the boundary line between the states of New Jersey and New York; thence southwestwardly and southeastwardly and southwestwardly along said boundary line through New York bay and the Kill Von Kull to a point where the centre line of avenue H extended would intersect said boundary line; thence northwardly to and along the centre line of avenue H to the centre line of Twenty-second street; thence westwardly and northwestwardly along the centre line of Twenty-second street to the centre line of Avenue D; thence northeastwardly along the centre line of Avenue D to the centre line of Thirtieth street; thence northwestwardly along the centre line of Thirtieth street and to the place of beginning, shall constitute the second ward of said city; all that portion

Third ward.

of said city described as follows, namely: Beginning at a point in Newark bay where the centre line of Division street extended would intersect the westerly boundary line of said city; thence northeastwardly along said boundary line in Newark bay to the northerly boundary line of said city of Bayonne; thence southeastwardly along said last named boundary line and into New York bay at right angles thereto, to the boundary line between the states of New Jersey and New York; thence southwestwardly along said boundary line in New York bay to a point where the centre line of Division street extended would intersect said last named boundary line; thence northwestwardly to and along the centre line of Division street and to the place of beginning, shall constitute the third ward of said city; all that portion of said city

Fourth ward.

described as follows, namely: Beginning at a point in Newark bay where the centre line of Twenty-second street extended would intersect the westerly boundary line of said city; thence northeastwardly along said boundary line in Newark bay to a point where the centre line of Thirtieth street extended would intersect said boundary line in Newark bay; thence southeastwardly to and along the centre line of Thirtieth street to the centre line of Avenue D; thence southwestwardly along the centre line of Avenue D to the centre line of Twenty-second street; thence southeastwardly and eastwardly along the centre line of Twenty-second street to

the centre line of Avenue H; thence southwardly along the centre line of Avenue H, and continuously to a point in the Kill Von Kull, where the centre line of Avenue H extended would intersect the boundary line between the states of New Jersey and New York; thence southwestwardly along said boundary line through the Kill Von Kull to a point where the centre line of East street extended would intersect said boundary line; thence northwardly to and along the centre line of East street to the centre line of Fifth street; thence westwardly along the centre line of Fifth street to the centre line of Avenue D; thence northeastwardly along the centre line of Avenue D to the centre line of Eighteenth street; thence northwestwardly along the centre line of Eighteenth street to the centre line of Avenue A; thence northeastwardly along the centre line of Avenue A to the centre line of Twenty-second street; thence northwestwardly along the centre line of Twenty-second street and to the place of beginning, shall constitute the fourth ward of said city.

5. *And be it enacted*, That the term of office of all of the present ward officers of said city shall end and determine, unless sooner determined by law, on the day preceding the last Monday in April, one thousand eight hundred and seventy-eight; and nothing herein contained shall be construed to extend the term of office of any such ward officers.

6. *And be it enacted*, That the ward officers of each of said four wards shall be two councilmen whose term of office shall be for two years; three school trustees whose term of office shall be for three years; and one constable, one commissioner of appeals, one supervisor of taxes and one judge and two inspectors of elections, whose term of office shall be for one year; and all of said ward officers shall be elected in each ward at the charter election in eighteen hundred and seventy-eight, and annually thereafter there shall be but one councilman elected in each of said wards at each election and his term of office shall be for two years; except at the first election for councilmen in eighteen hundred and seventy-eight in said four wards there shall be elected two councilmen, one of whom shall be elected for one year and the other for two years; and three school trustees, one of whom shall be elected for one year, one for two years and the third for three years, and thereafter there shall be a school trustee elected annually in each of said four wards at

Expiration of
term of ward
officers.

Ward officers.

Election to be
held annually

Proviso. the charter election, who shall hold his office for three years; *provided*, that if any person so elected as a ward officer shall not reside in the ward or shall during his term of office remove out of the ward in which he was elected, his office shall thereby become vacant and the said vacancy shall be filled as is otherwise provided for in cases of vacancy of said office; the councilmen of each ward shall perform such duties *ex officio* as by the laws of this state devolves on the town committeemen in the townships of this state.

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

Approved March 12, 1878.

CHAPTER XCVII.

An Act to authorize the common council of the city of Bordentown, in the county of Burlington, to build and maintain a dock or wharf opposite said city and at the end of Park street therein.

Preamble. WHEREAS, a number of the citizens of said city of Bordentown have, by their petition, represented that it would greatly promote the advantage and prosperity of said city and the convenience of its citizens by having a public wharf or dock built on the river Delaware at the terminus of a public road or street known as Park street in said city, and have prayed that an act may be passed authorizing the common council of said city to build, maintain and keep in repair a dock or wharf, extending a sufficient distance into said river for the accommodation of vessels navigating the same; therefore,

May build and maintain a dock or wharf. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall and may be lawful for the common council of said city of Bordentown, their

successors and assigns, to build, maintain and keep in repair a dock or wharf in said city of Bordentown, at the end of a public road or street known as Park street, in said city, extending a sufficient distance into the river Delaware, for the accommodation of its citizens and of vessels navigating the same, and from time to time to rebuild and repair the same, and to lay vessels at the same, and to receive dockage or wharfage therefor from all persons using the same under such ordinances and regulations as may from time to time be made by the common council of said city; *provided*, that ^{Proviso.} the boundaries, the exterior bulkheads and their lines, and the compensation to be paid or secured to the state shall be fixed and established by the riparian commissioners, and if the bulkhead and pier lines or either of them shall be hereafter extended by said commissioners, the right and title of the grantees shall extend to such extended bulkhead and pier line without further compensation, which compensation fixed by the commissioners shall be paid or secured to the state to the satisfaction of the governor, on or before the first day of January, one thousand eight hundred and eighty-one, and in default thereof then this act and all the provisions thereof shall thereupon cease and be of no more force or effect.

2. *And be it enacted*, That if any person or persons shall in any way injure the said dock or wharf, such person or persons shall be responsible for and shall make good all damages which may be sustained, recoverable by said city in an action of trespass in any court having jurisdiction of the same. ^{Penalty for injury to dock or wharf.}

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

Approved March 21, 1878.

CHAPTER CIV.

An Act entitled an act to set off a portion of Maurice River, township in the county of Cumberland, into the Upper township, county of Cape May, and change the boundaries between said counties.

Boundaries of
Upper town-
ship.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all that part of the township of Maurice River, in the county of Cumberland, butted, bounded and described as follows, to wit: Beginning at a stone in the division line between the counties of Cumberland and Cape May in what is known as the old Cape road, said stone also being the beginning corner of the division line between the townships of Upper and Dennis in the county of Cape May; thence along the several courses of said Cape road to the intersection with the Dorchester and Estellville road; thence along the several courses of said Dorchester and Estellville road to its intersection with the Cumberland and Tuckahoe road; thence following the several courses of the said Cumberland and Tuckahoe road to a point on Hunter's mill dam in the line between the counties of Cumberland and Atlantic; thence along said line the several courses thereof to the terminus of the present Cumberland and Cape May county line; thence along said Cumberland and Cape May line to the beginning as aforesaid, 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 Upper, in the county of Cape May, and shall hereafter be included within the boundaries of said Upper township, county of Cape May, as aforesaid.

Division line
between coun-
ties.

2. *And be it enacted*, That the division line between the counties of Cumberland, Atlantic and Cape May be and hereby is made to conform to the several courses enumerated in the preceding section of this act.

3. *And be it enacted*, That any and 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 benefits of citizenship in said county. Citizens who reside within certain territory to become citizens of Cape May county.

4. *And be it enacted*, That Lewis S. Williams, of the Upper township, 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. Commissioners to make settlement.

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. Repealer.

Approved March 26, 1878.

CHAPTER CXXV.

A Supplement to an act entitled "An act to provide for the construction of the Ravine road sewer in the city of Jersey City and city of Hoboken," approved April ninth, eighteen hundred and seventy-five.

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

Recital of section to be amended.

"3. *And be it enacted*, That it shall be lawful for the said commissioners, their agents or engineers, or others in their employ, to enter upon all lands for the purpose of surveying, leveling and laying out the route of such sewer, as shall be found necessary, and of locating the same; and to erect all necessary works or buildings, doing no unnecessary injury to private or other property; and when such route shall have been determined upon and a survey thereof filed as aforesaid, then it shall be lawful for the said commissioners, by any of its officers, agents, engineers, contractors, workmen, and other persons in their employ, to enter upon, take possession of, hold, have and use, occupy and excavate any such lands, and to do all necessary work and erect all necessary structures for the building of said sewer, subject to such compensation as hereinafter provided; *provided always*, that the payment or tender of payment in said improvement certificates issued as aforesaid, of all damages for the occupation of land through which said sewer may be laid, be made by the said commissioners before they enter, or any person under their direction or employ shall enter or break ground on the said lands, except for the purpose of surveying and laying out the said sewer, 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:

Amendment.

May enter upon lands, erect works or buildings, &c.

3. *And be it enacted*, That it shall be lawful for the said commissioners, their agents or engineers, or others in their employ, to enter upon all lands for the purpose of surveying, leveling and laying out the route of such sewer, as shall be found necessary, and of locating the same; and to erect all necessary works or buildings, doing no unnecessary injury to private or other property; and when such route shall have been determined upon, and a survey thereof filed as aforesaid, then it shall be lawful for the said commissioners, by any of its officers, agents, engineers, contractors, workmen, and other persons in their employ, to enter upon, take possession of, hold, have and use, occupy and excavate any such lands, and to do all necessary work and erect all necessary structures for the building of said sewer, subject to such compensation as hereinafter provided; *provided always*, that the payment or tender of payment, in lawful money of the United States, of all damages for the

Proviso.

taking and occupation of lands through which said sewer may be laid, be made by the said commissioners before they enter, or any person under their direction or employ shall enter or break ground on the said lands, except for the purpose of surveying and laying out the said sewer, unless the consent of the owner or owners of such land be first had and obtained.

2. *And be it enacted*, That it shall be lawful for the commissioners, appointed or to be appointed under and pursuant to the provisions of the act to which this is a supplement, to construct said sewer to connect the said sewer with as many sewers now built and established in Jersey City, and with any natural water-course intersecting said sewer, as said commissioners may deem expedient or necessary, and that the cost and expense of making such connections shall be deemed and taken as a part of the cost and expense of constructing said sewer, and shall be assessed upon the lands specially benefited, and paid in the same manner provided for in the act to which this is a supplement; that is to say, that on the completion of said sewer the commissioners shall cause an assessment map to be made showing the area of land drained by said sewer and specially benefited thereby, and on the completion of said map shall file a notice thereof with one of the justices of the supreme court, who thereupon shall appoint three impartial and judicious freeholders, not residents of the cities of Jersey City or Hoboken, to apportion and assess the costs and expenses incurred in the construction of said sewer upon the real estate specially benefited by the construction of said sewer, and the said freeholders having made and finished the assessment lists of said sewer shall file a copy of the same with the maps and all necessary documents with a justice of the supreme court, they giving notice of filing of said assessment map and lists to all parties interested in the same by advertising or otherwise as they may deem proper, and the said justice of the supreme court shall hear and determine all objections to the confirmation of said assessment, confirm said assessment and order the collection of the same by the commissioners having charge of the construction of said sewer; and should the costs of constructing said sewer exceed the amounts assessed upon the real estate specially benefited thereby, then the said

May connect sewer with sewers now built as commissioners may deem expedient.

Commissioners shall cause an assessment map to be made.

Copy of assessment lists to be filed with a justice of the supreme court.

Costs exceeding the amounts assessed to be paid out of contingent funds.

freeholders shall cause such excess to be equitably divided and charged to the cities of Jersey City and Hoboken, when said cities shall cause such proportions so charged to them to be paid out of the contingent funds of said cities.

Commissioners to make requisition on mayor, &c., for money to pay amount awarded land owner.

3. *And be it enacted*, That in case it shall be necessary to appoint commissioners to condemn any lands necessary to be taken for the construction of said sewer, it shall be lawful for the commissioners appointed to construct said sewer, to make a requisition on the mayor and council of the city of Hoboken for a sum of money sufficient to pay the amount awarded to any land owner or owners for the value of the lands and damages thereto, whose lands may have been taken for the purpose aforesaid, and also for all costs, charges and expenses incident to the necessary proceedings taken or to be had, and taken under the fourth section of the act to which this is a supplement; and thereupon it shall be the duty of the mayor and council of the city of Hoboken to draw a warrant on the contingent fund of said city, payable to the order of the treasurer of said board of commissioners, for the amount required, and it shall be the duty of said treasurer of said board to receive said moneys and pay out the same under the direction of said board of commissioners.

Moneys to be refunded and paid back.

4. *And be it enacted*, That all moneys paid by the mayor and council of the city of Hoboken, in pursuance of the preceding section of this act, shall be refunded and paid back out of the first moneys collected from assessments on lands specially benefited by the construction of said sewer.

Commissioners may issue improvement certificates.

5. *And be it enacted*, That in case the said commissioners appointed to construct said sewer shall deem it advisable so to do, instead of making a requisition on the mayor and council of the city of Hoboken for the moneys necessary for the purposes mentioned in the third section of this act, to raise money for the purpose aforesaid by issuing improvement certificates, or certificates of indebtedness, in the manner mentioned in the second section of the act to which this is a supplement, that is to say in their own names, therein and thereby pledging the faith and credit of the said cities of Jersey City and Hoboken respectively, payable in such times as may therein designate, not exceeding two years from the date of issue bearing interest at the rate of seven per centum from the date of issue; *provided*, that whenever the said improvement certificates shall, in the hands of any one holder

Proviso.

thereof represent in value the sum of one thousand dollars, then such proper authorities of the said city of Jersey City and the city of Hoboken respectively as have in charge and under their control and management the finances and financial affairs of said city of Jersey City and the said city of Hoboken respectively, shall issue to said holder of said certificates bonds of the said city of Jersey City and the said city of Hoboken respectively, equal in representative value to the representative value of said improvements certificates as aforesaid and in lieu of said improvement certificates which bonds shall bear lawful interest; and the said improvement certificates for which said bonds shall be issued, shall, upon the delivery of said bonds to said holder of said certificates presenting the same be cancelled, and when so cancelled shall be the proper vouchers to said proper authorities of the said city of Jersey City and the said city of Hoboken, respectively, for the bond so issued to said holders respectively; and it shall be lawful, and the said commissioners are hereby empowered, to issue such certificates payable to the treasurer of said board of commissioners or holder thereof, and thereby pledging the faith and credit of the said cities of Jersey City and Hoboken respectively, payable in such times as they may therein designate, not exceeding two years from the date of issue, bearing interest at the rate of seven per centum per annum from the date of issue, and thereupon the said treasurer of said board is hereby authorized and empowered to negotiate and sell the said certificates of indebtedness for the best price he can obtain for the same, and the proceeds of such certificates shall be paid out by the said treasurer under the direction of said board for the purposes aforesaid.

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

Approved March 27, 1878.

CHAPTER CXXVIII.

An Act to define and establish the boundary line at the village of Kingston, between the counties of Middlesex and Somerset.

Preamble. WHEREAS, a dispute had arisen as to the boundary line at the village of Kingston, between the counties of Middlesex and Somerset; *and whereas*, the respective boards of chosen freeholders of the said counties have had surveyed and run out, and have amicably agreed upon the line which they consider to be the true boundary line at the village of Kingston, between the said counties, and which line they ask the Senate and General Assembly of the state of New Jersey to legalize and establish; therefore,

Boundary line. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*. That the boundary line at the village of Kingston, between the said counties of Middlesex and Somerset, is hereby defined and established as follows, to wit: "Beginning in the middle of the roadway at the centre of the river bridge, at Kingston, in the line of Mercer county, and running thence (first) south seventy-seven degrees and twenty minutes east, eighty-nine links to a stone monument sunk in the centre of the roadway at the east end of the bridge; thence (second) north seventy-nine degrees and twenty minutes east, nine chains and six and a quarter links to a stone monument sunk on the easterly side of the railroad track, sixty links from a line stone of lands of Roger O. Kane, and ninety-one and a quarter links from the northwest corner of Cornelius Van Duyn's store house; thence (third) north seventy-six degrees and five minutes east, eleven chains and ninety-nine and a half links to a stone monument sunk in the road, one chain and twenty-six links from the northeast corner of the school house, thirty-three feet and four inches from the cemetery fence, and eighty-one and a half links from the southwest corner of the Old

Heath tavern house; thence (fourth) north seventy-three and a half degrees east, eleven chains and fifty-seven and a quarter links to a stone monument sunk in the middle of the road, two chains and sixty-one links from the southwest corner of the Kingston church, fifty-eight links from the southeast corner of William J. Bastedo's dwelling house, and seventy-seven links from the northeast corner of Mrs. David C. Johnson's dwelling house, and from thence eastward, as the line now is, any law or usage to the contrary thereof notwithstanding."

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

Approved March 29, 1878.

CHAPTER CXXXI.

An Act to repeal section four of the act entitled "An act to authorize the inhabitants of the town of Lambertville, in the county of Hunterdon, to raise bounty money, and to legalize the acts of the said town," approved February twenty-fourth, eighteen hundred and sixty-five.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the fourth section of the act entitled "An act to authorize the inhabitants of the town of Lambertville, in the county of Hunterdon, to raise bounty money, and to legalize the acts of said town," and which section reads as follows:

"4. *And be it enacted*, That the said common council shall levy a poll tax not exceeding five dollars, nor less than three dollars, annually, upon every male inhabitant of said town, of the age of twenty-one years and upwards, until said bounty money and the interest which may accrue thereon shall be paid and satisfied; *provided*, that those persons who have been in the service of the United States,

Recital of section to be repealed.

and by reason of such service are exempt from the draft, shall be exempted from this poll tax," be and the same is hereby repealed.

Repealer.

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

Approved March 29, 1878.

CHAPTER CXXXII.

An Act to define and establish the several assembly districts of the county of Mercer.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the several assembly districts of the county of Mercer shall be composed as follows :

First district. The first assembly district shall comprise and include the townships of Hopewell, Princeton, Lawrence, Ewing, and

Second district. the seventh ward of the city of Trenton; the second assembly district shall comprise and include the first, second, third, fourth, fifth and sixth wards of the city of Trenton;

Third district. and the third assembly district shall comprise and include the townships of East Windsor, West Windsor, Washington, Hamilton, and the borough of Chambersburg.

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

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

Approved March 29, 1878.

CHAPTER CXXXIX. .

A Further Supplement to an act entitled "An act to incorporate the White Horse Turnpike Company," approved January twenty-seventh, one thousand eight hundred and fifty-four.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the said White Horse Turnpike Company is hereby authorized to yield up and surrender in writing, under the hand of its president and corporate seal, all that part of its turnpike road lying and being between the village of Long-a-coming and the White Horse tavern; and that the said abandoned and surrendered part of said turnpike road shall henceforth be deemed and taken to be a lawful public road, and shall be kept in repair in the same manner by the same means, and shall be subject to the same laws and regulations as other public roads are in the respective townships in which the same are located.

2. *And be it enacted*, That upon the filing of the said written surrender in the clerk's office of the county of Camden to be there recorded, all liability of said company to keep, amend and repair the part of said road so surrendered, with the bridges and culverts pertaining to the same, shall cease and forever determine.

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

Approved March 29, 1878.

CHAPTER CXLII.

A Further Supplement to an act entitled "An act to improve Bergen Line road in Hudson county," approved April fourth, eighteen hundred and seventy-two.

Writ of certiorari not to be allowed.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That no writ of certiorari shall be allowed or granted to review any assessment heretofore or hereafter made under said act, or the supplements thereto, after six months shall have expired from the confirmation of said assessment.

2. *And be it enacted*, That section nine of said original act, which reads as follows :

Recital of section to be amended.

"9. That the tenure of office of said commissioners shall expire when the improvement is completed and the assessment thereon collected; and in case of the death, disability or resignation of any of the said commissioners, the vacancy so caused shall be re-filled by the remaining commissioners, at a meeting called for that purpose, by the election of a new commissioner for the unexpired term; and the said commissioners shall jointly have one per centum of the whole cost of the said improvement, for the services performed by them under the provisions of this act," be and the same is hereby amended by striking out the words "and the said commissioners shall jointly have one per centum of the whole cost of the said improvement, for the services performed by them under the provisions of this act," where the same occur in said section, and inserting in place thereof the words "and the said commissioners shall have, for the services performed by them under this act, such sum as may be fixed and directed by the New Jersey supreme court, upon application for that purpose made," so that the said section will read, when so amended, as follows :

Words to be stricken out recited.

Amendment.

9. That the tenure of office of said commissioners shall expire when the improvement is completed and the assessment thereon collected; and in case of the death, disability

or resignation of any of the said commissioners, the vacancy so caused shall be re-filled by the remaining commissioners, at a meeting called for that purpose, by the election of a new commissioner for the unexpired term; and the said commissioners shall have, for the services performed by them under this act, such sum as may be fixed and directed by the New Jersey supreme court, upon application for that purpose made.

3. *And be it enacted*, That in case any assessment is set aside, as provided in section ten of said original act, and commissioners are appointed to make a new assessment, said commissioners having first taken and subscribed an oath prescribed in said original act, shall take the entire costs of widening and straightening said road, in case said assessment so set aside is for widening and straightening, as the same is certified to them in writing by the commissioners appointed to regulate and improve said road, together with interest upon all certificates of indebtedness issued on account thereof, and remaining unpaid, together with all such needful charges and expenses as may be incurred by said commissioners in such new assessment, and all charges and expenses incurred touching and relating to said assessment set aside, or that may be proper and legal, and assess the same, according to the provisions of said original act and the supplements thereto, upon all lands and real estate benefited thereby, in proportion to the benefit received; *provided*, that no land or real estate shall be assessed any more than the benefit received; and said commissioners shall take the entire cost of grading, regulating and improving said road, in case said assessment as set aside is for grading, regulating and improving, as the same is certified to them in writing by the commissioners appointed to regulate and improve said road, together with interest upon all improvement certificates issued, together with all charges and expenses touching and relating to said assessment set aside, and all charges and expenses incurred in such new assessment, and all other charges and expenses which may be authorized by law, and assess the same according to the provisions of said original act and the supplements thereto; *provided*, that no lands shall be assessed any more than the benefit received; and upon the completion of any assessment made by them shall

Proceedings in case any assessment is set aside.

Proviso.

Proviso.

report the same under their hands to said original commissioners in charge of said improvemetn, who shall file the same and proceed to the collection thereof, in the same manner as if said assessment had been made by them.

When previous assessment has been paid, &c.

4. *And be it enacted*, That in case any previous assessment has been paid in whole or in part, and the said commissioners to make a new assessment shall deem any land to have not been benefited beyond the amount of such payment, with the interest thereon, they shall make no further assessment thereon; and if they shall deem any lands to have been benefited beyond that amount, then such payment and interest shall be deducted, and an assessment made only for the difference.

Assessments to be a lien.

5. *And be it enacted*, That each and every assessment made in accordance with the provisions of this act shall be a lien, and shall be collected and enforced in all respects as now directed and authorized by the act to which this is a supplement and the supplements thereto.

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

Approved March 29, 1878.

CHAPTER CLXI.

An Act to set off the incorporated town of Guttenberg, from the township of Union, in the county of Hudson.

Town set off from township.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the incorporated town of Guttenberg be and the same is hereby set off from the township of Union, in the county of Hudson.

Repealer.

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

When to take effect.

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

Approved April 1, 1878.

CHAPTER CLXXXVII.

An Act to provide for establishing and marking the boundary line between the counties of Passaic and Bergen.

WHEREAS, by the act of the legislature, passed February ^{Preamble.}

seventh, eighteen hundred and thirty-seven, creating the county of Passaic, it was provided that a portion of the boundary line between the counties of Passaic and Bergen should be the line dividing the townships of Franklin and Saddle River; *and whereas*, diligent search has failed to discover any act of the legislature or of the early colonial government of New Jersey, establishing said line between the townships of Franklin and Saddle River, which is now a portion of the boundary line of the two counties aforesaid, and no record of said line can be found in the office of the secretary of state, or of the offices of the clerks of the counties of Bergen or Passaic, respectively; *and whereas*, for some years there have been doubt and uncertainty as to the exact location of said line, and property owners on the borders of the two counties have been in doubt as to where to pay taxes or where to vote, and the confusion occasioned thereby is likely to increase from year to year; *and whereas*, it is important that this matter should be settled, and there seems to be no existing provision of law for establishing and marking the boundary lines between counties where no act of the legislature exactly defining such lines can be found; now therefore,

1. BE IT ENACTED *by the Senate and General Assembly* ^{Names of commissioners to mark boundary line.} *of the State of New Jersey*, That the chosen freeholders for the time being from the townships of Manchester, Wayne and Pompton, in the county of Passaic, and from the townships of Saddle River, Ridgewood and Franklin, in the county of Bergen, shall be and they are hereby constituted commissioners to establish and mark the boundary line between the said counties, or such portion thereof as it may seem to them important to establish and mark at this time.

2. *And be it enacted*, That the said commissioners, before they enter upon the duties imposed upon them by this act, shall take and subscribe an oath or affirmation, before some judge or notary public, that they will faithfully and impartially perform such duties; if any of such commissioners shall die, refuse to act, or resign, the vacancy shall be filled by the appointment, by a justice of the supreme court, of another chosen freeholder from the county from which the vacancy occurred; the said commissioners shall choose one of their number to be president, and shall appoint some competent person, not of their own number, to be clerk; and any notice signed by the said president and clerk shall be as valid and effectual as if signed by all or a majority of said commissioners.
3. *And be it enacted*, That the said commissioners shall give ten days' notice, in writing, to the respective directors of the board of chosen freeholders of said counties, and to all parties interested, by advertisements published in two newspapers in each of said counties, and by at least twenty printed notices, put up in conspicuous places near the line between the two counties, stating the time and place of the first meeting of the commissioners to hear any persons who may wish to be heard in relation to the establishment and marking of said line.
4. *And be it enacted*, That the said commissioners, by their president and their clerk, shall have power to issue *subpœnas ad testificandum* and to compel the attendance of witnesses; and they shall have power to employ such assistance as may be deemed necessary to facilitate the discharge of their duties.
5. *And be it enacted*, That the said commissioners, or a majority of them, shall establish the line of partition between said counties, or such part thereof as to them shall seem necessary; in doing which, they shall have regard for the line anciently and most generally accepted by the people living on the border between the two counties, unless authentic records or documents shall be produced showing that a different line should be established; and when the said commissioners, or a majority of them, shall have established the line as aforesaid, they shall cause the same to be run, surveyed and marked with substantial stone monuments; which survey, certified under their hands, or under the
- Commissioners to take and subscribe an oath.
- Vacancy, how filled.
- President and clerk.
- Notice of meeting to be given.
- May issue subpœnas.
- Commissioners to establish line of partition.
- Line to be marked with stone monuments.

hands of a majority of them, shall be annexed to the record of their proceedings, together with their oath of office, and shall be delivered to the secretary of state, to be by him recorded and filed; and a copy of such survey, certified by the president and the clerk of said commissioners, shall be delivered to the clerk of each of the counties of Bergen and Passaic, to be by them recorded and filed in their respective offices; the line so established, run, surveyed, marked, certified, recorded and filed, shall be and hereby is declared to be the boundary and line of partition between the said counties.

Survey to be certified.

Copy to be filed and recorded.

6. *And be it enacted*, That the said commissioners, and their employees, shall be entitled to receive, for the duties performed under this act, such compensation as the justice of the supreme court holding the circuit in Bergen and Passaic counties, or in his absence, as the president judges of the courts of common pleas of said counties shall deem reasonable, the costs of which shall not exceed four hundred dollars; all the charges and expenses of executing the duties hereby imposed on the commission, inclusive of recording and filing the oath of office, and survey, and of advertising, shall be taxed by the said justice, or by the said judges, and equally paid by the said counties, not exceeding the sum aforesaid.

Justice of supreme court holding circuit in Bergen and Passaic to fix compensation of commissioners and employees.

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

When to take effect.

Approved April 4, 1878.

CHAPTER CCLIV.

An Act to set off a part of the eighth ward in the city and county of Camden and to annex the same to the township of Haddon in the county aforesaid.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all that part of the eighth ward of the city and county of Camden lying and being

Boundaries of township.

Boundaries of
township con-
tinued.

within the following boundaries, to wit: Beginning at a point where the middle line of Kaighns Point avenue intersects the middle line of Tenth street; thence extending in a southerly direction along the middle line of Tenth street to the middle of Vanhook street; thence in an easterly direction along the middle of Vanhook street to a point where the west line of Evergreen cemetery extended northward intersects the middle line of said Vanhook street; thence in a southerly direction along the aforesaid extended line and west line of Evergreen cemetery to the centre of Ferry road; thence along the middle of Ferry road in a westerly direction to a point where the centre line of said Ferry road intersects the west line of lands of Elmer Tice; thence in a southwesterly direction along the southwesterly lines of said Elmer Tice's lands to the middle of North Branch of Newton creek; thence following the centre of said North Branch of said Newton creek, the several courses thereof, in an easterly direction, to the middle of the Mount Ephraim turnpike road; thence in a northwesterly direction along the middle of said Mount Ephraim turnpike road to the intersection of said Mount Ephraim turnpike road and the Ferry road; thence along the middle of the said Ferry road, in a northeasterly direction, to the middle of the White Horse turnpike road; thence northeasterly along the middle of the said Ferry road to the middle of the Haddonfield turnpike road; thence in a northeasterly direction, in a straight line with the middle line of the said Ferry road, to the middle of Coopers creek; thence down the middle of said creek, in a northwesterly direction, along the several courses thereof, to a point where the extended middle line of Kaighns Point avenue intersects the middle of said creek; thence westerly along the said line (being the southerly line of seventh ward in the said city of Camden) to a point where the middle line of Kaighns Point avenue intersects the middle line of the Haddonfield turnpike road; thence westerly along the middle line of Kaighns Point avenue to the place of beginning, be and the same is hereby set off from the said eighth ward of the city of Camden and is annexed to and shall constitute a part of the township of Haddon aforesaid, and the inhabitants with their taxable estates within the district above described and so annexed shall be entitled to all the rights, powers and privileges, and subject to the same govern-

ment, regulations and liabilities as the other inhabitants of the said township of Haddon are or may be entitled or subject to by the laws of this state.

2. *And be it enacted*, That the respective owners of all lands lying within the boundaries aforesaid, and hereby set off and annexed to the township of Haddon, shall be liable to the city of Camden pro rata, according to the assessed value of their real estate, as returned by the assessor for the year eighteen hundred and seventy-seven, for their share of any indebtedness of the city of Camden which has been incurred and remains unpaid since February fourteenth, eighteen hundred and seventy-one, when these lands were annexed by law to the city of Camden.

Inhabitants to be liable pro rata for their share of indebtedness.

3. *And be it enacted*, That to ascertain such share of the aforesaid indebtedness to be paid to the city of Camden by said owners, the city council of the city of Camden shall appoint three of their number, and the township committee of Haddon township shall also appoint three freeholders and residents of said township, which six persons so appointed shall constitute a board of commissioners, and shall meet on the third Monday of May next, in the city hall of said city of Camden, at the hour of ten o'clock, in the forenoon of that day, of which this act shall be sufficient notice of said time and place of meeting, with power to adjourn from time to time for the purpose of adjusting and fixing the amount or share of such indebtedness to be paid to the city of Camden as aforesaid, by the respective owners of the lands hereby set off and annexed to the township of Haddon, and the report of said commissioners, or a majority of them, made to the city council and township committee aforesaid, in writing, shall be binding and conclusive on all parties concerned, and that said moneys shall be paid within three months from the date of said report, or this act shall be null and void.

Commissioners to adjust and fix amount or share of indebtedness to be paid the city of Camden.

Report of the commissioners to be conclusive.

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

Approved April 5, 1878.

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PRIVATE LAWS.

PRIVATE LAWS

PASSED BY THE

ONE HUNDRED AND SECOND LEGISLATURE.

CHAPTER VIII.

An Act to vest the title to certain real estate in the county of Hudson in Samuel Webb.

WHEREAS, Mary L. Webb, late of the city of Hoboken, ^{Preamble.} county of Hudson, and state of New Jersey, departed this life, anno domini eighteen hundred and seventy-six, seized of certain lands situate in the county of Hudson, which were conveyed to her by John D. Underhill and wife, by deed dated December seventeenth, one thousand eight hundred and seventy-two, which deed is recorded in the Hudson county register's office, in book two hundred and forty-nine of deeds for said county, page six hundred and fifty-five; *and whereas*, the said Mary L. Webb departed this life intestate, leaving Samuel Webb, her husband, her surviving, and leaving no lawful heirs, by reason whereof the said lands and the appurtenances must escheat to the state; therefore,

1. BE IT ENACTED *by the Senate and General Assembly* ^{Title vested in Samuel Webb.} *of the State of New Jersey*, That all the estate, title, interest and right of the said Mary L. Webb, deceased, at the time

of her death, of, in and to the lands and premises above described, be vested in the said Samuel Webb, his heirs, and assigns forever.

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

Approved February 14, 1878.

CHAPTER XI.

An Act to authorize the trustees of the Methodist Episcopal church in Pennington to sell real estate.

Trustees may
sell and convey
real estate.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the trustees of the Methodist Episcopal church of Pennington, in the township of Hopewell and county of Mercer, or their successors in office, be and they are hereby authorized and empowered to sell and convey a part of the real estate and appurtenances situated in the village of Pennington, in the county of Mercer, now held by them in trust as the property of and for the benefit of the Methodist Episcopal church, by virtue of a deed of John B. Titus and others to the trustees of the Methodist Episcopal church, bearing date the seventh day of April, A. D. eighteen hundred and sixty-eight, and to make, execute and deliver a good and sufficient deed or deeds of conveyance therefor to the purchaser or purchasers of the same, and that all and every such deed or deeds of conveyance shall be good and effectual in law.

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

Approved February 19, 1878.

CHAPTER CVI.

An Act authorizing Permelia Hubbs to sell the real estate of which her illegitimate son, Albert C. Edmonds, died seized in the county of Hunterdon, and to dispose of the proceeds resulting therefrom.

WHEREAS, Albert C. Edmonds, the illegitimate son of Per- Preamble.
melia Hubbs, late of the county of Hunterdon, died seized of certain lands, tenements and hereditaments in the said county of Hunterdon; therefore,

1. BE IT ENACTED *by the Senate and General Assembly* Empowered to
of the State of New Jersey, That the said Permelia Hubbs sell lands.
be and the same is hereby empowered to sell the said lands, tenements and hereditaments whereof her illegitimate son died seized.

2. *And be it enacted,* That after the payment of the debts Proceeds of
of the said Albert C. Edmonds, the residue of the proceeds sale, how ap-
arising from said sale shall go to Permelia Hubbs for her plied.
own absolute use.

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

Approved March 27, 1878.

CHAPTER CXV.

An Act to authorize the trustees of the Methodist Episcopal Church of Navesink to sell and convey real estate.

1. BE IT ENACTED *by the Senate and General Assembly* Authorized to
of the State of New Jersey, That the trustees of the Metho- sell and convey
dist Episcopal Church of Navesink, in the township of real estate.

Middletown, county of Monmouth, or their successors in office, be and they are hereby authorized and empowered to sell and convey any and all of the real estate and appurtenances situated in the village of Navesink, in the county of Monmouth, now held by them in trust as the property of and for the benefit of the Methodist Episcopal Church, by virtue of a deed of Joseph Leonard to the trustees of the Methodist Episcopal Church, bearing date the twenty-seventh day of December, anno domini one thousand eight hundred and sixty-two, and to make, execute and deliver a good and sufficient deed or deeds of conveyance therefor to the purchaser or purchasers of the same, and that all and every such deed or deeds of conveyance shall be good and effectual in law.

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

Approved March 27, 1878.

CHAPTER CXXVI.

A Supplement to an act entitled "An act to authorize Reimer Henry Schacht to build a bridge from Mona's Island, in Delaware river, to the bank along the Repaupo meadows, and to stake off the channel between the said island and the bank of said Repaupo meadows, in the township of Greenwich, Gloucester county, New Jersey," approved February nineteen, eighteen hundred and seventy-three.

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, and which is in the following language:

Recital of section to be amended.

"1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Reimer Henry Schacht be and he is hereby authorized and empowered to erect and

maintain (a bridge) from Mona's Island, in the Delaware river, to the bank of the Repaupo meadows, in the township of Greenwich, Gloucester county, New Jersey, for the convenience of crossing to and from said island, and also that he, the said Reimer Henry Schacht, be and he is hereby authorized and empowered to stake off the channel between said island and the bank of the Repaupo meadows aforesaid, for the purpose of making a pen or enclosure in which to confine and keep live sturgeon, the upper part of said enclosure to be below the White sluice, and the lower part thereof not to be below the dwelling house owned by Thomas Gaskill, on the Repaupo meadows, opposite to said island, the bridge aforesaid to be at the lower end of said pen or enclosure; *provided, however*, that after the first day of October in each and every year, a sufficient number of stakes shall be removed from each end of said enclosure as will allow the passage of skiffs and other small boats under said bridge and through said channel, and the passage thus made shall not be closed until the first day of May next ensuing, when the stakes may be again replaced; *provided further*, that nothing in this act shall affect the rights of the state to lands lying under water," shall be amended so as to read as follows:

1. BE IT ENACTED *by the Senate and General Assembly* Amendment.
of the State of New Jersey, That Reimer Henry Schacht be Authorized to erect and maintain a bridge.
 and he is hereby authorized and empowered to erect and maintain (a bridge) from Mona's Island, in the Delaware river, to the bank of the Repaupo meadows, in the township of Greenwich, Gloucester county, New Jersey, for the convenience of crossing to and from said island; *provided*, that nothing in this act shall affect the rights of the state to lands lying under water.

2. *And be it enacted*, That the second section of the act to which this is a supplement, and which is in the following language:

"2. *And be it enacted*, That if any person or persons Recital of section to be amended.
 shall wilfully and unlawfully injure, impair or destroy said bridge or any part of said enclosure, or pull up any of the stakes pertaining thereto, the person or persons so offending shall forfeit a sum not exceeding one hundred dollars, at the discretion of any justice of the peace in this state or any court of competent jurisdiction, and shall be also liable to

pay double the amount of damages sustained thereby, to be recovered by an action of trespass or any other proper form of action, in any court of competent jurisdiction," shall be amended so as to read as follows:

Amendment.
Penalty for injury done to bridge.

2. *And be it enacted*, That if any person shall wilfully and unlawfully injure, impair or destroy said bridge, the person or persons so offending shall forfeit a sum not exceeding one hundred dollars, at the discretion of any justice of the peace in this state or of any court of competent jurisdiction, and shall also be liable to pay double the amount of damages sustained thereby, to be recovered by an action of trespass, or any other proper form of action, in any court of competent jurisdiction.

Stakes, &c., to be removed.

3. *And be it enacted*, That all stakes or other devices which have heretofore been placed in the Delaware river, or in the channel between Mona's island and the bank of the Repaupo meadows, under the authority of the act to which this is a supplement, for the purpose of making a pen or enclosure, in which to confine and keep live sturgeon, shall be removed on or before the fifteenth day of October, A. D. eighteen hundred and seventy-eight, and all that part of the act to which this is a supplement, which authorizes and empowers the said Reimer Henry Schacht, to stake off the said channel for the purpose of making a pen or enclosure in which to confine and keep live sturgeon, be and the same is hereby repealed.

Repealer.

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

Approved March 27, 1878.

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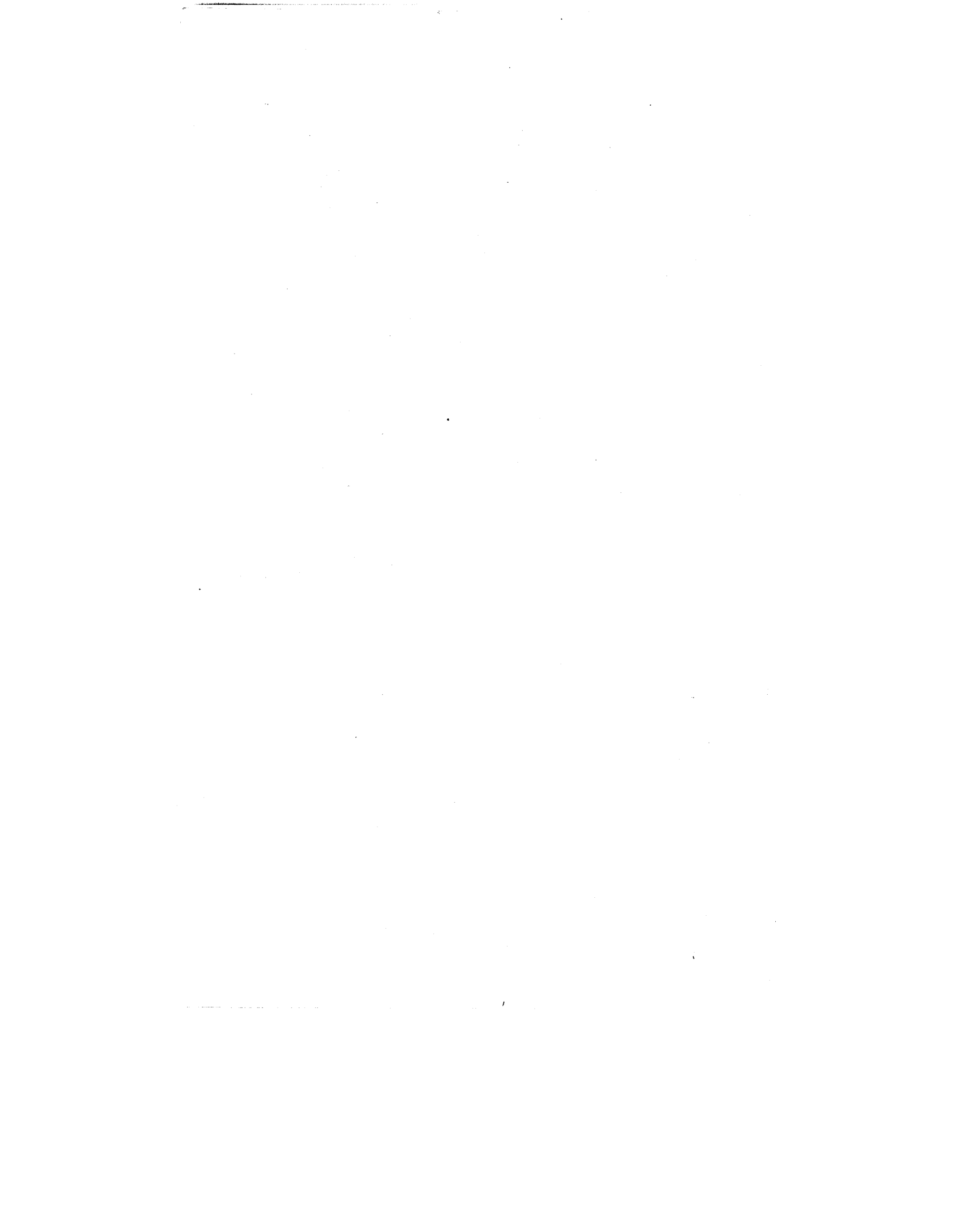
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