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LAWS—NEW JERSEY

1899.

ACTS

OF THE

ONE HUNDRED AND TWENTY-THIRD LEGISLATURE

OF THE

STATE OF NEW JERSEY,

AND

Fifty-fifth Under the New Constitution.



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

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

GEORGE WURTS,

Secretary of State.

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OF THE
One Hundred and Twenty-third Legislature
OF NEW JERSEY.

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LAWS

ACTS

PASSED BY THE

One Hundred and Twenty-third Legislature.

CHAPTER 1.

Supplement to an act entitled "An act to provide for the division of the assets and liabilities of townships between such townships and any borough or boroughs set off from the same," approved April sixteenth, one thousand eight hundred and ninety-six.

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

1. In case said township committee and mayor and council shall be unable to agree upon a division of the property and an apportionment of the indebtedness and liabilities of such township, or in case either of them desire to have such division and apportionment made by commissioners, it shall be lawful for either the said township committee or the said mayor and council to apply to the court of common pleas of the county wherein such township is situate for the appointment of three disinterested persons as commissioners, who shall divide such property and apportion such indebtedness and liabilities, and their determination in writing, signed by any two of them, shall be binding and conclusive upon such township and such borough, for which services said commissioners shall receive such compensation as said court shall think proper, to be paid by such township and such borough equally.

In case of inability to agree upon division of property, upon application to court of common pleas commissioners may be appointed.

Property
divided; basis
of division

2. Said division and apportionment shall be made of all the divisible property, including moneys and assets on hand, and indebtedness and liabilities of such township at the time such borough was set off, and shall be made, as nearly as may be, in proportion to the assessed value of the real and personal property within the respective limits of such township and the portion of such borough taken from such township on the basis of the last assessment preceding the formation of such borough.

3. This act shall take effect immediately.

Approved February 24, 1899.

FOSTER M. VOORHEES,
Governor.

CHARLES A. REED,
President of the Senate.

DAVID O. WATKINS,
Speaker of the House of Assembly.

CHAPTER 2.

A Supplement to "An act making appropriations for the support of the state government and for several public purposes for the fiscal year ending October thirty-first, one thousand eight hundred and ninety-nine," approved June thirteenth, one thousand eight hundred and ninety-eight.

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

Appropriation.

1. Two thousand four hundred and fifty-six dollars and eighty-six cents is hereby appropriated to defray the incidental expenses incurred by the joint committee of the legislature on the inauguration of the governor.

Method of
payment.

2. All bills for expenses shall be approved by the committee or a majority thereof, and when audited by the comptroller, he shall draw his warrants for the amounts on the state treasurer, who is hereby authorized to pay the same.

3. This act shall take effect immediately.

Approved February 24, 1899.

CHAPTER 3.

An Act to amend an act entitled "An act to regulate elections [Revision of one thousand eight hundred and ninety-eight], approved April fourth, one thousand eight hundred and ninety eight."

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

1. Section one hundred and seventy-eight of the act entitled "An act to regulate elections [Revision of one thousand eight hundred and ninety-eight]," be and the same is hereby amended to read as follows :

Section
amended.

178. The compensation of each member of the boards of registry and election for all services performed by them under the provisions of this act shall be as follows: In cities having a population exceeding forty thousand, for each registry day five dollars, and for the election day, including the counting of the votes and the delivery of the returns and ballot-box with contents to the municipal clerk, ten dollars; which compensation shall be the same for both the general election and the municipal election; and in all other cities, townships and other municipalities, the compensation of each member for all such services in connection with any local or charter election shall be for each registry day three dollars, and for the election day, including the counting of the votes and the delivery of the returns and the ballot-box, seven dollars, and for all such services in connection with the general election or any special election held in and for the whole county, such compensation shall be fifteen dollars in districts where the number of registered voters is not more than one hundred and fifty; twenty dollars in districts where the number of registered voters is more than one hundred and fifty and not more than three hundred; and twenty-five dollars in districts where the number of registered voters is more than three hundred; said sums to be

Compensation
of boards of
registry and
election.

paid by the county collector, and to be in lieu of all other fees and charges whatsoever.

2. This act shall take effect immediately.

Approved February 27, 1899.

CHAPTER 4.

An Act concerning cities.

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

Redistricting
city into wards.

1. Whenever in any city of this state, according to the last preceding state census, the population of any one ward now or hereafter existing exceeds or shall exceed the aggregate population of three other wards in such city, it shall be the duty of the board of aldermen or common council or other governing body of such city, forthwith by ordinance, to redistrict said city into wards without increasing the number thereof, making the population of each new ward as nearly equal to that of every other new ward as is practicable.

Aldermen and
freeholders.

2. Each new ward so created shall be entitled to the same number of representatives in the board of aldermen, common council or other governing body of said city, and in the board of chosen freeholders of the county wherein said city is situate, to be chosen in the same manner from said new ward as such representatives were chosen in the old wards prior to such redistricting.

Continuance of
officers.

3. All officers elected or appointed for the then existing wards in any city which shall be so redistricted, shall continue in office representing the districts from which they were elected until their respective terms of office shall have expired, and until others are duly appointed or elected in and for such new wards to take their places, and vacancies in the representation from any ward shall be filled in the same manner as prior to such redistricting.

Election
districts.

4. When new wards are created in any city as herein provided, it shall be the duty of the board of aldermen or common council or other governing body of such city to divide

the new wards into election districts or precincts, which districts or precincts, so far as practicable, shall be so constituted as not to contain over six hundred voters.

5. 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 February 28, 1899.

CHAPTER 5.

A Supplement to an act entitled "An act for the incorporation of safe deposit and trust companies," approved April twentieth, one thousand eight hundred and eighty-five.

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

1. Every company or association organized or incorporated under the act to which this is a supplement, may increase its capital stock to any amount and in excess of the limit named in the act under which it was organized or incorporated, in the manner following: The board of directors shall pass a resolution declaring that such increase of capital stock is advisable, and calling a meeting of the stockholders to take action thereon; the meeting shall be held upon such notice as the by-laws provide, and in the absence of such provision, upon ten days' notice, given personally or by mail, if two-thirds in interest of all the stockholders having voting powers shall vote in favor of such increase of capital stock, a certificate thereof shall be signed by the president, under the corporate seal, attested by the secretary and acknowledged or proved as in case of deeds of real estate; and such certificate, together with the written assent in person or by proxy of at least two-thirds in interest of all such stockholders then having voting powers, shall be filed in the department of banking and insurance. Increase of capital stock.

2. Any increase of capital stock heretofore made by any company or association organized or incorporated under the provisions of the act to which this is a supplement, is hereby Increase validated.

Proviso.

validated and confirmed ; *provided, however*, that a certificate of such increase of capital, signed by the president and secretary, under the corporate seal and duly acknowledged or proved as in case of deeds for real estate, together with the written assent of at least two-thirds in interest of all the stockholders having voting powers at the time of such increase of capital, shall have been filed in the department of banking and insurance.

Evidence of increase certified.

3. The certificate of the commissioner of banking and insurance that a certificate of increase of capital stock, together with the assent of at least two-thirds in interest of all the stockholders then having voting powers, is on file in the department of banking and insurance shall be taken and accepted as evidence of such increase of capital stock in all courts and places.

Repealer.

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

Approved February 28, 1899.

CHAPTER 6.

An Act to set apart a portion of the territory of the township of Waterford, in the county of Camden, and to create a new township, to be called the township of Voorhees.

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

Boundaries of township.

1. All the portion of the territory of the township of Waterford, in the county of Camden, situate, lying and being north of a line described as follows : Beginning in the westerly side of the township of Waterford, where the first stream south of Lucaston station of the West Jersey and Sea Shore railroad flows into Gloucester township, and where the old Egg Harbor road intersects the same ; thence easterly, to the north side of the property of the West Berlin Methodist Protestant Church, on the road running from Gibbsboro to Berlin ; thence continuing the same course to a point in the

road running from Berlin to Kresson, between the boundary lines of lands of Henry Millheizer on the north and Aaron Souders on the south; thence extending southeasterly, to the intersection of the road running from Berlin to Taunton with Burlington county, shall be and the same is set off and detached from the said township of Waterford, and shall be and the same is hereby created a separate township, to be called the township of Voorhees.

2. The inhabitants of the said township of Voorhees shall be and they 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 Voorhees, in the county of Camden," and they shall be entitled to all the rights, powers, authority, privileges and advantages, and be subject to the same regulations, government and liabilities, as other townships in the county of Camden are or may be entitled or subject to by the laws of this state. Corporate name.

3. This act shall take effect immediately.

Approved March 1, 1899.

CHAPTER 7.

An Act to further amend an act entitled "An act to provide for the regulation and incorporation of insurance companies" [Revision], approved April ninth, one thousand eight hundred and seventy-five.

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

1. Section thirty-six of an act entitled "An act to provide for the regulation and incorporation of insurance companies" [Revision], approved April ninth, one thousand eight hundred and seventy-five, which section was amended by chapter one hundred and ninety-eight of the laws of one thousand eight hundred and eighty-six, entitled "An act to amend an act entitled 'An act to provide for the regulation and incorporation of insurance companies' [Revision], Section amended.

approved April ninth, one thousand eight hundred and seventy-five," which amendatory act was amended by chapter two hundred and seventy-seven of the laws of one thousand eight hundred and eighty-eight, entitled "An act to amend an act entitled 'An act to amend an act entitled "An act to provide for the regulation and incorporation of insurance companies,"' passed April twenty-seventh, one thousand eight hundred and eight-six," be and the same is hereby amended so as to read as follows:

Extension of
charter.

36. Any existing joint-stock company incorporated by this state for either of the purposes mentioned in this act may, at any time after notice being given once in each week for six weeks, in a newspaper of this state published in the county where such company is located, and if no newspaper be published in such county then in a newspaper published nearest to the same, of such intention, and with the written consent of three-fourths in amount of its stockholders, or, if a mutual company, or a mutual company whose charter has expired, with the unanimous consent of its trustees or directors, extend its original charter to the time specified by the provisions of this act, by altering or amending the same so as to accord with the provisions of this act, and filing a copy of the same so altered or amended, together with a declaration, under its corporate seal, signed by the president and directors, of their desire for such extension, and also the written consent of three-fourths in amount of its stockholders, or, if a mutual company, the unanimous consent of the trustees or directors as aforesaid, to such extension, in the office of the commissioner of banking and insurance; and upon the filing such consent, declaration and charter, the same proceedings shall be had as are required by the twenty-second section of this act; and any of the mutual insurance companies chartered by the legislature of this state, or organized under the general laws of this state, may, after giving notice once in each week for six weeks, in a newspaper of this state published in the county where such company is located, change to joint-stock companies, by proceeding in accordance with and conforming their charter to the provisions of this act.

2. This act shall take effect immediately.

Approved March 6, 1899.

CHAPTER 8.

A Supplement to an act entitled "An act to authorize cities to order and regulate the construction of sidewalks and to provide for the payment of the expense thereof," approved May tenth, one thousand eight hundred and eighty-four.

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

1. Prior to the adoption of any ordinance under the act to which this is a supplement there shall be published in one or more newspapers printed and circulated in such city not less than ten days' public notice of the intended adoption of such ordinance, which notice shall state the time and place when and where, prior to the adoption of such ordinance, all persons interested may be heard before the common council or other governing body of said city with reference to the proposed ordinance; such notice shall be deemed sufficient notice to all persons, and all persons interested shall be entitled to be heard pursuant to said notice before vote shall be taken upon the final adoption of such ordinance.

Public notice.

Approved March 7, 1899.

CHAPTER 9.

An Act concerning boards of assessors or other boards having charge and control of assessments for public improvements in cities of this state.

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

1. Whenever any public improvement shall be made, and the expenses thereof ordered to be assessed by the board of assessors or such board having charge and control of such assess-

In case of interested assessor, disinterested resident to be appointed.

Validity of
report.

Compensation.

Repealer.

ment in cities of this state, and if any member of such board shall be interested in said improvement, either as an owner of property to be taken or to be assessed, or in any other way, except merely as a taxpayer in said city, such member shall not be deemed competent to assist in making the assessment connected with such improvement, but the mayor of said city shall appoint some disinterested resident in said city to act with the remaining members of such board in making said assessments; such person, before entering upon his said duties, shall take and subscribe an oath or affirmation before the city clerk, to be filed by him, faithfully and honestly to perform said duties; but no report of assessment for any such improvement which may have heretofore been made shall be considered illegal in consequence of the incompetency of any of the persons making such report, if a majority of the persons making such assessments were competent and disinterested; and it shall be lawful for the common council to make such reasonable compensation for the services of any person appointed to fill such vacancy as it may be determined.

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

Approved March 8, 1899.

CHAPTER 10.

A Further Supplement to the act entitled "An act to incorporate Saint Mary's orphan asylum, in the city of Newark," approved March tenth, one thousand eight hundred and fifty-three.

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

Board of
directors.

1. From and after the passage of this act the board of directors of Saint Mary's orphan asylum, in the city of Newark, shall consist of the bishop for the time being of the Roman Catholic diocese of Newark, in this state (who shall

ex-officio be president of the board), the vicar-general or administrator, the parish priest for the time being of each Roman Catholic church in the city of Newark, in the county of Essex, and in the Town of Harrison, township of Kearny, and borough of East Newark, in the county of Hudson, the respective pastors for the time being of any other Roman Catholic churches which may be established in said city, town, township and borough, or any of them, and the junior lay member for the time being of the board of trustees of each of said churches.

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

3. This act shall take effect immediately.

Approved March 8, 1899.

CHAPTER 11.

An Act to amend an act entitled "An act concerning inspectors of buildings in cities of this state," approved April twenty-eighth, one thousand eight hundred and eighty-six.

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

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

4. That said board of aldermen or common council shall have power to further prescribe the duties and fix the compensation of said inspector of buildings, either by fee or fixed salary, and to fix his term of office, not to exceed two years. Duties, compensation, term.

2. This act shall take effect immediately.

Approved March 8, 1899.

CHAPTER 12.

A Supplement to an act entitled "An act to authorize the issue of bonds to provide moneys for the erection of county asylum buildings in counties of this state," approved June tenth, one thousand eight hundred and ninety.

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

Additional issue.

1. That in addition to the bonds authorized to be issued under the provisions of the above-entitled act, there may be issued bonds to an amount not exceeding sixty thousand dollars, to bear interest at a rate not exceeding five per centum, payable semi-annually, and to be sold at not less than par, for the purpose of heating, enlarging and increasing the capacity and accommodations requisite and necessary for the proper care and maintenance of patients confined in asylum buildings erected under the provisions of the act to which this is a supplement, or otherwise, and the proceeds of the sale of said bonds to be expended in the same way and manner as provided for in section four of the act to which this is a supplement.

2. This act shall take effect immediately.

Approved March 8, 1899.

CHAPTER 13.

An Act to incorporate the township of Summit, in the county of Union, as a city, and fix the boundaries thereof.

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

1. All that portion of the county of Union, formerly known as the township of Summit, beginning at a large cherry tree near the residence now or late of Aaron Doty, in the middle of the road leading from Summit to Union village, in Somerset county; thence running northwesterly along the northerly line of the Stony Hill road, until it intersects the road leading from Summit to New Providence village; thence across said road on the same course to the corner of lands now or late of A. A. Constantine and Elizabeth Day, and from said corner on a line bounded by land now or late of said A. A. Constantine on the west, and lands now or late of Elizabeth Day and De Witt Clinton Jones on the east, to a willow tree on the east bank of the Passaic river; thence northeasterly along said river, following the dividing line between the counties of Morris and Union until it intersects the Morris and Essex turnpike, which is the northwest corner of Summit township; thence along said turnpike, still following the dividing line between Summit and Millburn townships, until it intersects the old road leading from at or near the estate of Alexander Robertson, on said turnpike, and along the west side of said road, to the road leading from Springfield to Summit, where the house of Oliver Wade, now or late Montgomery, stands, and across said road in a southerly direction to the lower end of the waste-Description of boundary. race of William Bryant's mill, and along said waste-race to said Bryant's mill, and along the easterly side thereof, through the center of the pond connecting with said mill, to the upper end thereof, and from thence along the center of the main stream which feeds said pond, through lands of said Bryant and lands now or late of J. Kemp, to the corner of lands now or late of David O. Magie and Anthony Sayre;

thence through lands on the boundary line of the estate of Brooks Sayre and Anthony Sayre to the corner of land now or late of Benjamin Sturgis and estate of Brooks Sayre on the east side of the road leading from the red school-house to Westfield village; thence on the boundary line of land now or late of Benjamin Sturgis, William H. Bryant and others, to the head of Green brook, which is the corner of the boundary line of the townships of Springfield, Westfield and New Providence, and thence in a southwesterly direction along the boundary line of the townships of New Providence and Westfield, to the center of David Felt's, now or late S. P. Townsend's, dam, which is across said brook; thence in a northwesterly direction along said dam and across the ridge following the dividing line of lands now or late of Frederick Curtis, Israel Dotty, Edward Hedges, S. Dotty and J. Fish, to the south side of the road leading from Summit to Union village, being the corner of land now or late of said J. Fish; thence along the south side of said road to the place of beginning, be and the same is hereby constituted a city of this state; and all the inhabitants of the state residing within the limits aforesaid be and they are hereby ordained, constituted and declared to be from time to time and forever hereafter, one body politic and corporate, in fact and in name, by the name of city of Summit.

Corporate name.

2. This act shall take effect immediately.

Approved March 8, 1899.

CHAPTER 14.

An Act validating certain ordinances for the extension of the territorial boundaries of boroughs.

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

Certain
ordinances
validated.

1. All ordinances for the extension of the territorial boundaries of boroughs which were regularly adopted and published prior to the twenty-fourth day of April, one thousand eight hundred and ninety-seven, are hereby declared valid

and effectual for the purpose of annexing to such boroughs the territory described in such ordinances, notwithstanding copies of such ordinances were not filed with the clerk of the county in which such boroughs are situate and with the secretary of state, and the territory described in such ordinances shall form a part of such boroughs and become subject to all the laws and ordinances regulating and governing the same; *provided*, such ordinances are valid in all other respects; *and provided further*, that copies of such ordinances shall be filed with the clerk of the county in which such boroughs are situate and with the secretary of state within three months from the approval of this act.

Proviso.

Proviso.

2. This act shall take effect immediately.

Approved March 8, 1899.

CHAPTER 15.

An Act to amend an act entitled "An act to provide for the regulation and incorporation of insurance companies" [Revision], approved April ninth, one thousand eight hundred and seventy-five.

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

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

Section amended.

1. All insurance companies organized under the laws of other states or foreign governments and transacting insurance in this state, shall during the month of January of each year furnish to the commissioner of banking and insurance a statement, signed and sworn to by their president and secretary, specifying the name of the company, where located, the amount of paid-up capital and assets of which they are possessed, showing the manner of investments, whether in bonds, mortgages, real estate, public stocks or other securities, and particularizing the amount of each class of investment; also the amount of income for the year past, the amount of losses, for the same time, the amount of

Statement must be filed; contents thereof.

claims unpaid, the amount necessary for re-insurance, the whole number of policies issued in this state for the preceding year, the gross amount of cash premiums received therefor for the same period, the name and residence of each agent in this state, and the amount of premiums received by each during the preceding year; and it shall be the duty of the commissioner of banking and insurance to prepare a form of statement to be filled up by such insurance companies or associations, establishing agencies or transacting the business of insurance in this state, which shall conform to the above requirements; *provided, however,* that mutual or assessment accident or casualty companies or associations incorporated and organized under the laws of other states may be admitted to transact in this state the business of personal accident insurance solely, or insurance against loss or damage to banks, bankers or trust companies resulting from burglary or robbery, or the loss of money or securities in transportation when shipped by registered mail; *provided,* that such companies or associations shall be possessed of and maintain assets invested in securities to be approved by the commissioner of banking and insurance of this state to the amount of at least fifty thousand dollars.

Proviso.

Proviso.

2. This act shall take effect immediately.
Approved March 8, 1899.

CHAPTER 16.

An Act relating to police departments in cities and regulating the tenure and terms of office of persons employed in such departments.

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

Tenure of office.

1. The officers and men employed in the police department of every city shall severally hold their respective offices and continue in their respective employment during good behavior, efficiency and residence in the city where employed, and no person shall be removed from office or

employment in the police department of any city for political reasons, or for any other cause than incapacity, misconduct, non-residence or disobedience of just rules and regulations heretofore established, or which may be established, for the government of the police force or police department of the city; *provided*, that any member of the police force of any city who shall be absent from duty without just cause for the term of five days shall, at the expiration of that time, cease to be a member of such police force; each member and officer of the police force in the cities of this state shall be a citizen of the United States and a resident for two years of the city in which he is appointed next preceding his appointment; he must be of good moral character, sound in body and in good health, and able to read and write the English language intelligently; *and provided* *further*, that it shall be lawful for the board, body or person in the respective cities of this state having authority to employ members of the police department therein, to employ officers or men temporarily in cases of emergency or for parts of years in cases where their services are not needed throughout the entire year, and discharge them at the expiration of such temporary employment.

Proviso.

Proviso.

2. No person shall be appointed an officer or member of the police force of any city who has been convicted of a crime involving moral turpitude, or who is less than twenty-one nor more than fifty-five years of age at the time of his appointment.

Limitation in appointment.

3. No person, whether officer or employe in the police department of any city, shall be removed from office or employment therein except for just cause as provided by the first section of this act, and then only after a written charge or charges, stating the cause of complaint, shall have been preferred against such officer or employe, signed by the person or persons making such charge or charges and filed in the office of the municipal officer, officers or board having charge of the department in which the complaint arises, and after the said charge or charges have been publicly examined into by the appropriate municipal board, officer or authority upon such reasonable notice to the person charged, and in such manner of examination as the rules and regulations governing the same may prescribe, it being the intent of this act to give every person against whom a charge for any cause may be preferred under this act a fair trial

Removal from office must be by written charge.

Opportunity for
defense.

upon such charge, and every reasonable opportunity to make his defense, if any he has or chooses to make, and the officer, board or body having power to try such charges shall have power to issue writs of subpoena to compel the attendance of witnesses, which writs shall be served in the same manner as subpoenas issued out of the court for the trial of small causes, and every person who neglects or refuses to obey the command of such writ shall be liable to a penalty of twenty-five dollars, to be sued for in the corporate name of the city in any court of competent jurisdiction, and the penalty, when collected, shall be paid into the poor fund of such city.

Establish rules
and regulations.

4. For the better government and discipline of police departments in the cities of this state it shall be lawful for the board or body whose duty it is or may become to provide for, regulate or manage a police department in such city from time to time, to prescribe and establish just rules and regulations respecting such department.

Repealer.

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

Approved March 8, 1899.

CHAPTER 17.

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

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

Description of
boundaries.

1. All that portion of the township of Chatham, in the county of Morris, described as follows : Beginning at the point of intersection of the boundary lines of the townships of Chatham, Hanover and Morris, in the county of Morris and state of New Jersey, and thence running (1) in a southerly direction along the boundary line between the townships of Chatham and Morris, to the junction thereof with the line of the Morris and Essex railroad at the beginning corner of the bor-

ough of Madison as originally incorporated; thence (2) following said railroad in an easterly direction along the fourteenth line (reversed) of the said borough of Madison, as originally incorporated, to the Danforth road, at the fourteenth corner of the boundary line of said borough as originally incorporated; thence (3) departing from said railroad and running in a northerly and easterly direction along the thirteenth line (reversed) of the said borough of Madison, as originally incorporated, and in the Danforth road, to the junction of said road with the Convent road, said junction being the thirteenth corner of the boundary line of the said borough of Madison as originally incorporated; thence (4) along the northerly and easterly boundary lines of the borough of Madison as said borough is now constituted, to the beginning corner of the borough of Chatham; thence (5) along the first line of the borough of Chatham southeasterly in a straight line six thousand six hundred and fifty feet, more or less, to the middle of Passaic river at the junction of said borough line with the boundary line of the county of Morris; thence (6) in a northerly direction down the Passaic river to the junction thereof with the boundary line between the townships of Chatham and Hanover; thence (7) in a westerly direction along the boundary line between the townships of Chatham and Hanover to the place of beginning, shall be and is hereby incorporated into a borough to be called "the borough of Florham Park." Corporate name.

2. This act shall take effect immediately.

Approved March 9, 1899.

CHAPTER 18.

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

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

1. At all annual meetings of the legal voters held in districts heretofore or hereafter organized under an act entitled

Voting at annual election.

"An act to provide means for the protection against fires in townships," approved March tenth, one thousand eight hundred and seventy nine, the polls shall be kept open from three o'clock until seven o'clock in the afternoon for the receipt of votes to determine the amount of money to be raised for the ensuing year and to elect the member or members of the board of fire commissioners.

2. This act shall take effect immediately.

Approved March 9, 1899.

CHAPTER 19.

An Act to amend an act entitled "An act authorizing cities to create a sinking fund commission and defining their powers," approved March twenty-first, one thousand eight hundred and ninety-eight.

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

Section
amended.

1. Section one of the act entitled "An act authorizing cities to create a sinking fund commission and defining their powers," approved March twenty-first, one thousand eight hundred and ninety-eight, be and the same is hereby amended so as to read as follows :

Sinking fund
commission.

1. The council or other legislative body of any city in this state in which there does not now exist a sinking fund commission may, by ordinance, create a sinking fund commission which shall consist of the mayor, comptroller and treasurer of the city, or if there be no comptroller, then of the mayor and the treasurer of the city and one other official of said city to be designated in the ordinance creating such sinking fund commission, and such commission shall be a continuous body, and their duties shall begin immediately upon their qualification as hereinafter set forth ; that every member thereof shall, before entering upon the duties thereof, be required to make and file a bond in the penal sum of ten thousand dollars, in such form and with such sureties as may be approved by the city or corporation counsel and

the board having charge of the finances of the city ; that upon the election or appointment of any succeeding mayor, comptroller or treasurer, or other city official becoming a member of said commission as aforesaid, such new member or members of said sinking fund commission shall enter into bond as aforesaid.

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

Approved March 9, 1899.

CHAPTER 20.

A Supplement to the act entitled "An act authorizing a firemen's home for the aged, indigent and disabled firemen of this state, and providing for the regulation and government of such home," approved April second, one thousand eight hundred and ninety-eight.

WHEREAS, In and by the said act above mentioned, Bird W. Spencer, Benjamin W. Cloud, William M. Jeffries, William T. Corliss, Charles N. Reading, John McKiernan, William H. Brown, George T. Werts, Egbert Seymour, William S. Hancock, comptroller of this state, and William Bettle, commissioner of banking and insurance of this state, and their successors, were "appointed and constituted commissioners to provide a proper and suitable firemen's home for the aged, indigent and disabled firemen of this state, with full power and authority to make and enter into necessary and proper contracts for that purpose," pursuant to the provisions of said act ; Preamble.

And Whereas, In and by said act, said commissioners, or a majority of them, were authorized and empowered to purchase a proper and suitable building and lands, to be known as the "New Jersey Firemen's Home," for the use, support and maintenance of the aged, indigent and disabled firemen of this state, and to furnish and equip the same ready for use and occupation, at a cost not

to exceed the sum of seventy-five thousand dollars; and that to raise and procure the said sum of seventy-five thousand dollars, or so much thereof as might be necessary to provide said home and furnish and equip the same ready for use and occupation, the commissioner of banking and insurance, instead of paying to the treasurers of the several firemen's relief associations of this state, as then required by law, the money then in his hands or thereafter to be received by him from fire insurance companies on account of the license and tax of two per centum, and of all payments in lieu of said tax as then were or thereafter might be required by law to be paid by said insurance companies, should, from and after the passage of said act, approved April second, one thousand eight hundred and ninety-eight, hold and retain said moneys in his hands for the purposes of said last-mentioned act, and that none of said moneys should thereafter be paid over to said relief associations until the demands and requirements made upon the same under said act as therein provided should be met and satisfied; and that the commissioner of banking and insurance should, after the passage of said act, from time to time, upon the demand and requisition of said commissioners, pay over to the treasurer of said commissioners, from and out of said moneys, so much thereof, not exceeding the sum of seventy-five thousand dollars, as might be necessary and required to provide said home and furnish and equip the same ready for use and occupation, the said moneys to be used and disbursed by said commissioners to provide, furnish and equip said home pursuant to said act.

And Whereas, Said commissioners, acting under and pursuant to said act, have purchased a building and lands for said firemen's home at Boonton, Morris county, New Jersey (said building and lands being known as the William G. Lathrop homestead property), for the sum of thirty-six thousand dollars and have taken title to said lands in the names of said commissioners, and on said purchase said commissioners have paid the sum of ten thousand one hundred dollars in cash out of moneys received from the commissioner of banking and insurance under said act, and to secure the payment of the balance of said purchase-money have made and delivered two

mortgages of said lands so purchased to the grantor thereof, for the aggregate sum of twenty-five thousand nine hundred dollars, payable ten thousand dollars thereof in one year from the date of said mortgages, ten thousand dollars in two years from the date thereof, and the balance of five thousand nine hundred dollars in three years from the date thereof, with interest at the rate of five per centum per annum ;

And Whereas, In order to properly provide and equip said building for use and occupation as a proper and suitable firemen's home for the aged, indigent and disabled firemen of this state, certain repairs and alterations thereto and thereof were and are necessary, and to that end said commissioners have entered into contract for the making of such repairs and alterations at a cost of nineteen thousand seven hundred and seventy-six dollars, the same to be completed on or before the first day of June, one thousand eight hundred and ninety-nine ;

And Whereas, It is provided in and by said hereinbefore mentioned act that when said home has been provided and furnished and equipped ready for use and occupation, the said commissioners shall so report to the governor, who shall thereupon appoint a board of managers of the New Jersey firemen's home, and that from and after the appointment of such board of managers, the government, management, care and conduct of said home shall devolve upon and be vested in said board of managers, and that to provide the money and means necessary to govern, manage and sustain said home, the commissioner of banking and insurance shall, from time to time, in each and every year, out of the moneys as aforesaid received or to be received by him from fire insurance companies, pay over to the treasurer of said managers, upon the demand and requisition of said managers, such sum or sums of money as said managers may by resolution demand and require for the proper government, management and conduct of said home, and the care and comfort of its patients and inmates, provided such resolution be approved by the governor ;

And Whereas, The present commissioners to provide, furnish and equip said home will probably have completed their duties in that respect and been superseded by the said board of managers before said mortgages so as aforesaid given are fully paid and discharged, and provision

should be made for the payment of the same according to the terms thereof;

And Whereas, It is the object and intent of the hereinbefore mentioned act that the said home should be provided, furnished and equipped from and out of said moneys so as aforesaid received or to be received by the commissioner of banking and insurance from fire insurance companies :

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

Action of commissioners ratified.

1. The action of said commissioners in making said purchase of said Lathrop homestead property for a firemen's home and the making of said contract for alterations and repairs thereof and thereto and the giving of said two mortgages as aforesaid is hereby ratified and confirmed.

Transfer of property to managers of home.

2. Upon appointment of the said board of managers pursuant to said act approved April second, one thousand eight hundred and ninety-eight, the present commissioners to provide a proper and suitable firemen's home for the aged, indigent and disabled firemen of this state, shall forthwith convey and transfer the title to said Lathrop homestead and all other property, real and personal, by them held for the uses and purposes of said home to "the board of managers of the New Jersey firemen's home," their successors and assigns; said Lathrop homestead property to be conveyed subject to the payment by the said board of managers of said two mortgages; and said board of managers is hereby authorized and empowered, directed and required, from and out of the said moneys to be received by them from the commissioner of banking and insurance under and pursuant to said act approved April second, one thousand eight hundred and ninety-eight, to first pay any installment or installments of the principal of said mortgages or either of them, together, with the interest thereon, that may become due and payable in any year or years succeeding their appointment as such managers, until the said mortgages be fully paid and satisfied.

Tax exemption.

3. The property, real and personal, of the "board of managers of the New Jersey firemen's home," and held or used by the said board of managers for the uses and purposes of said firemen's home, shall be exempt from taxation, state or municipal, under any law of this state.

4. This act shall take effect immediately.

Approved March 13, 1899.

CHAPTER 21.

An Act to authorize the incorporated cities, towns, townships, boroughs and villages of this state to borrow money in anticipation of the collection of taxes and assessments.

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

1. It shall be lawful for the governing bodies of all incorporated cities, towns, townships, boroughs and villages of this state to borrow money in the name of their respective municipalities in anticipation of taxes and in anticipation of assessments for public improvements where the work has been begun and where the same have not been confirmed and when bonds have not been sold to pay cost thereof, and to issue the notes or other obligations of such municipalities therefor and to renew the same as occasion may require; *provided, however*, that in no one year shall more than eighty per centum of the taxes for that year of any such municipalities, exclusive of county taxes, be borrowed, nor shall money be borrowed in excess of eighty per centum of the cost of any public improvements prior to the completion of the work thereon and the issuance of bonds for the same; *and provided further*, that the rate of interest upon any loans negotiated in anticipation of such taxes and assessments shall not exceed the legal rate established in this state.

Borrow funds to anticipate collections.

Proviso.

Proviso.

2. This act shall be deemed a public act and shall take effect immediately, and shall not repeal, or be construed to otherwise change, any charter of any city, town, township, village or borough of this state.

Construction of act.

Approved March 13, 1899.

CHAPTER 22.

Supplement to an act entitled "An act relating to courts having criminal jurisdiction and regulating proceedings in criminal cases" [Revision of one thousand eight hundred and ninety-eight], approved June fourteenth, one thousand eight hundred and ninety-eight.

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

Constables' fees. 1. Constables attending prisoners under examination before a justice of the peace shall be allowed fifty cents for such attendance, to be paid in like manner as other constables' fees in criminal cases.

Repealer. 2. All acts and parts of acts inconsistent with this act are hereby repealed, and this act shall take effect immediately.
Approved March 13, 1899.

CHAPTER 23.

A Supplement to an act entitled "An act to incorporate associations not for pecuniary profit," approved April twenty-first, one thousand eight hundred and ninety-eight.

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

Corporation of religious societies. 1. The act to which this is a supplement shall not operate to repeal the act entitled "An act to incorporate the trustees of religious societies" (Revision), approved April ninth, one thousand eight hundred and seventy-five, and its supplements, but religious societies may be incorporated either under said act or under the act to which this is a supplement; all proceedings taken pursuant to the said act ap-

proved April ninth, one thousand eight hundred and seventy-five, and its supplements, since the passage of the act to which this is a supplement, are hereby ratified and made valid.

Certain proceedings ratified.

2. This act shall take effect immediately.

Approved March 13, 1899.

CHAPTER 24.

An Act for extending the time for completing certain railroads.

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

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

Extending time for completing railroads.

Proviso.

Proviso.

rights of this state, if any there exist, to take the property of such corporations under any existing law of this state, and agreeing further that all laws affecting such corporations shall be subject to alteration or repeal by the legislature.

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

Approved March 13, 1899.

CHAPTER 25.

Supplement to an act entitled "An act to authorize and empower the common council, board of aldermen or other governing body in cities of the second class to set aside certain moneys into a fund to be called the 'Special street improvement fund,' and to provide for the expenditure thereof," approved March twentieth, one thousand eight hundred and ninety.

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

Rate of interest.

1. It shall be lawful for the city council, board of aldermen or other governing body in cities of the second class to fix the rate at which interest shall run on assessments for improvements made under the provisions of the act to which this is a supplement; *provided*, that such rate of interest shall not be less than five nor more than eight per centum per annum; *and provided further*, that no assessment made as aforesaid shall bear any interest if such assessment is paid within forty days after the confirmation thereof.

Proviso.

Proviso.

2. This act shall take effect immediately.

Approved March 13, 1899.

CHAPTER 26.

An Act concerning attorneys and counselors-at-law.

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

1. Any attorney or counselor-at-law of this state shall be deemed to be eligible to the office of attorney or solicitor for any city, borough, corporate town or township. Who may be counsel of cities, etc.

2. All laws, general or special, inconsistent with the provisions of this act are hereby repealed; provided that this act shall not apply to any cities whose charters require that the city attorney or solicitor shall be a counselor for any prescribed period. Repealer. Proviso.

3. This act shall take effect immediately.

Approved March 13, 1899.

CHAPTER 27.

An Act relative to salaries of mayors in cities of the second class.

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

1. The common council or other governing body of any city of the second class shall have power to fix, by ordinance, the salary of the mayor of such city at not more than twenty-five hundred dollars per annum, and to provide for the payment thereof. Mayor's salary.

2. Before any ordinance shall be passed under the provisions of this act, the common council or other governing body of any city of the second class shall, by resolution, submit to the electors of such city the question of the acceptance or rejection of this act; if a majority of the electors voting Submission to vote of people.

at any charter election in such city shall vote to accept; the provisions hereof, this act shall then, but not otherwise, go into effect in such city.

3. This act shall take effect immediately.

Approved March 14, 1899.

CHAPTER 28.

An Act to incorporate the borough of New Providence, in the county of Union.

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

Corporate name.

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

Description of boundaries.

2. The territorial limits of the said borough shall be as follows, to wit: Beginning at a point in the middle of the Passaic river, said point being the division line between the townships of Summit and New Providence; thence following the meanderings of the river up to a large white oak tree on the south side of the bank, and distant about ten hundred and eighty feet from the middle of Johnson's bridge; thence running in a southerly direction, to a stake on the north side of the main road called Passaic valley road, said point being distant one hundred feet easterly from the east side of Joshua Kendall's house; thence still in a southerly direction and following the courses of Pike's road, five hundred feet westerly and parallel to said Pike's road, to a point in the middle of Stony Hill road, said point being opposite a large chestnut tree standing on the south side of the road, and also distant about five hundred feet westerly from a large buttonball tree standing at the southeast corner of Stony Hill road and said Pike's road; thence running in an easterly direction, to the middle of Stony Hill road and Pike's road; thence running southerly, along

the middle of the continuation of Pike's road leading to Scotch Plains, five hundred feet, to a point opposite a windmill; thence running easterly, parallel to Stony Hill road and five hundred feet distant therefrom, to a cedar tree on the west side of the road leading from Stony Hill road to Feltville, said point being two hundred feet south of the second bridge over a little stream on said Feltville road; thence running still easterly and about five hundred feet southerly, from and running parallel with said Stony Hill road, to a tulip tree about one foot thick in the division line between the townships of New Providence and Summit; thence following the division line between the townships of Summit and New Providence, to the place of beginning.

3. This act shall take effect immediately.

Approved March 14, 1899.

CHAPTER 29.

An Act to further amend an act entitled "An act to incorporate the chosen freeholders in the respective counties of the state," approved April sixteenth, one thousand eight hundred and forty-six.

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

1. The eighth section of said act, as the same was amended by an act entitled "An act to amend an act entitled 'An act to incorporate the chosen freeholders in the respective counties of the state' (Revision), approved April sixteenth, one thousand eight hundred and forty-six," which amendatory act was approved March fourteenth, one thousand eight hundred and seventy-nine, be and the same is hereby amended so as to read as follows :

Section
amended.

8. The said corporation may annually elect some fit person, being a resident in the county and not a member of such corporation, for their clerk, whose duty it shall be to keep the minutes and enter the orders and proceedings of the corporation in a book to be kept for the purpose, and who

Clerk; his
duties, compen-
sation, etc.

Deputy-clerk.

Proviso.

shall have the custody of the common seal, and the papers, deeds, writings, documents, and books relating to the said corporation, and whose further duty it shall be to perform such services in keeping the records and minutes of the several committees of said corporation as the corporation shall prescribe, which duties, or any of them, may be performed either by the said clerk in person or by his deputy for that purpose appointed, as the said corporation may from time to time prescribe; and the said clerk and his deputy, if any, shall, before entering upon the execution of the duties of said office, severally take and subscribe an oath or affirmation before the director of the board, who is hereby authorized to administer the same, that he and they will well and faithfully discharge all the duties appertaining to the said office; and the said clerk shall be entitled to such per diem compensation or annual salary as the corporation may by resolution from time to time fix, which compensation shall include payment for all services to be performed by the deputy clerk, if any; *provided*, that in counties having less than seventy thousand inhabitants the per diem compensation or annual salary of the clerk and deputy clerk for the performance of all and every the duties and services aforesaid shall not exceed in the aggregate six hundred dollars per annum.

2. This act shall take effect immediately.

Approved March 15, 1899.

CHAPTER 30.

An Act to provide an additional building and furnishing the same for the state industrial school for girls.

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

Additional building.

1. The trustees of the state industrial school for girls are hereby authorized to erect on the grounds of the state industrial school for girls an additional building for the accommodation of the inmates and to furnish the same.

Power of trustees.

2. The building authorized by the first section of this act shall be built by contract or otherwise, as the trustees of the

state industrial school for girls shall deem for the best interest of the state, and the said trustees shall have power to employ architects, engineers, superintendents and mechanics as may be necessary, to advertise for proposals, to make a contract or contracts for the whole or any part of said work, and to incur all necessary expenses to carry out the provisions of this act, the cost and expenses incurred not to exceed the sum of seventeen thousand five hundred dollars; *provided, however*, that the plans and contracts for such improvement shall be first submitted to and be approved by the governor before any work is done or expense incurred; *and provided further*, that no money shall be drawn from the treasury for the purpose of this act until the same shall have been specifically appropriated according to law.

Proviso.

Proviso.

3. The said trustees shall make to the legislature at its next session and each succeeding session until said building is completed a full and detailed report of its proceedings and expenditures under this act.

Report to legislature.

4. This act shall take effect immediately.

Approved March 15, 1899.

CHAPTER 31.

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

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

1. Section seventy-seven of the act to which this is an amendment, is amended so as to read as follows :

Section amended.

77. For the purpose of maintaining free public schools there shall be appropriated each year from any moneys in the state treasury not otherwise appropriated, such sum, not less than one hundred thousand dollars, as may be determined by the legislature in the annual appropriation act; said sum shall be apportioned among and paid to the

Appropriation.

Apportioned.

several school districts in this state in the same manner as the annual appropriation from the income of the state school fund is now apportioned among and paid to said districts; in addition to the amount so determined and appropriated, a state school tax shall be assessed, levied and collected annually upon the taxable real and personal property in this state as exhibited by the latest abstract of ratables from the several counties, made out by the several boards of assessors and filed in the office of the state comptroller; said tax shall be such an amount as will make, when added to the amount determined and appropriated as aforesaid, a sum equal to five dollars for each child in this state between the ages of five and eighteen years, as exhibited by the last-published school census, and said tax shall be assessed, levied and collected at the same time and in the same manner as other taxes are assessed, levied and collected.

School tax.

Amount of school tax.

When appropriation available.

2. The sum appropriated by the legislature in the annual appropriation act, under the provisions of the first section of this act, shall be available for the school year beginning July first next succeeding the date of the approval of said appropriation act.

3. This act shall take effect immediately.

Approved March 15, 1899.

CHAPTER 32.

An Act providing that any assessment of damages or benefits caused or conferred by any local improvement in cities of the first class, made by any board of commissioners appointed to make all such assessments, may be referred back for revision and correction to the said board or to new commissioners to be appointed.

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

In case objections are made to assessment.

1. Whenever objections shall be duly made and filed by any person interested therein to any assessment of damages or benefits caused or conferred by any local improvement made or to be made in any city of the first class in this state

by any board of commissioners appointed to make such assessments, and the court having power to confirm such assessment shall consider that the said objections should be sustained, and that the said assessment should be revised and corrected, it shall be lawful for the said court to refer such assessment for revision or correction to the commissioners who made the same, or to new commissioners to be appointed by the court, to reconsider the subject-matter thereof; and the said commissioners to whom the said report shall be so referred shall return the same corrected and revised, or a new report to be made by them in the premises, to the said court without unnecessary delay, and the same on being so returned shall be confirmed or again referred by the said court in 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 by the said court, shall be final and conclusive, as well upon the said city as upon the owners of any lands and real estate affected thereby; in all cases where the said court shall refer any such assessment to new commissioners the said commissioners shall receive such compensation for their services as may be allowed by the said court to be paid by such city out of its collections from assessments for local improvements made therein.

Court may confirm or refer again.

Compensation of new commissioners.

2. This act shall take effect immediately.

Approved March 15, 1899.

CHAPTER 33.

A Supplement to an act entitled "An act to provide for drainage and sewerage in cities of this state," approved April seventh, one thousand eight hundred and ninety.

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

1. To provide for expense of relaying any sewers or drains or portions thereof, or of substituting different sewer-pipes or drains for portions of those laid or to be laid, under

Providing for relaying sewers, making improvements, or preparing land.

Issue bonds.

the act to which this is a supplement, or for expense of work done or to be done in the permanent improvement of sewers or drains beyond the line of property assessed for benefits, or for work done or to be done, or materials furnished or to be furnished, in the preparation of lands used for treating and disposing of water or sewage under said act, it shall not be necessary to make any assessments of benefits; but the common council or other governing body of such city, in addition to other powers conferred by said act, may by ordinance provide for such expense, whether already incurred or to be incurred, by the issue of bonds pursuant to sections thirty-eight and thirty-nine of the act to which this is a supplement, or by the issue of temporary notes or obligations of said city, which temporary notes or obligations may be renewed from time to time, in such manner as to make an equal amount thereof, as nearly as practicable, payable each year during five years from date on which they are or shall be authorized.

Repealer.

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

Approved March 15, 1899.

CHAPTER 34.

An Act to amend an act entitled "A supplement to an act entitled 'An act to provide for the assessment and payment of costs and expenses incurred in constructing sewers and making other improvements in townships and villages,'" approved March twelfth, one thousand eight hundred and seventy-eight, which supplemental act was approved March fourteenth, one thousand eight hundred and seventy-nine.

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

Section amended.

1. Section one of the act to which this is an amendment is hereby amended to read as follows :

1. The thirteenth section of the act to which this is a supplement be and the same is hereby amended so that the said section shall read:

Section
amended.

13. 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, and 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 exceeding thirty years from the date of issuing the same; said bonds shall be issued in such sums as the said board of commissioners shall determine, not exceeding in the aggregate the amount of the costs, damages and expenses incurred for such improvement ascertained by the commissioners appointed by the court as aforesaid, together with all the expenses incident to said assessment and interest upon the amounts to be refunded for payments made under any former assessment, as provided for in the twelfth section of this act, and the costs incurred, if any, 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 and best price for which they can dispose of the same; said bonds shall be issued under the seal of the said board of commissioners, and signed by the president or other head officer and treasurer of such board of commissioners, 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 the said board of commissioners, as well as the property of said board of commissioners.

Provision for
cost, etc., of
sewers, etc.

Issue bonds.

Amount.

How issued.

Lien.

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

Repealer.

Approved March 15, 1899.

CHAPTER 35.

An Act respecting actions between landlord and tenant.

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

Writ of
possession ;
when issued.

1. No writ of possession shall be issued in any action between landlord and tenant hereafter tried before a justice of the peace, either with or without a jury, wherein judgment for possession shall be given, until after the expiration of three days from the rendering of such judgment.

2. This act shall take effect immediately.

Approved March 15, 1899.

CHAPTER 36.

An Act to authorize two or more municipalities in this state to jointly construct and maintain outlet or trunk sewers.

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

Municipalities
may unite in
providing
sewers.

1. It shall be lawful for any two or more municipalities in this state, without regard to the form of their incorporation, to jointly provide for and cause to be constructed, and to thereafter maintain, an outlet or trunk sewer or sewers or drains, or either or any of them, in the manner herein provided; and to that end the governing bodies or boards of any two or more municipalities in this state, such boards being charged by law with the duty of constructing sewers or drains in such municipalities respectively, may unite and jointly cause to be made at their joint expense, by competent engineers, mechanics and others, surveys, maps, plans, reports and estimates of proposed work and improvements relating to any contemplated outlet or trunk sewer or sewers,

Surveys, maps,
etc.

or drains and appurtenances, which such municipalities may desire to jointly construct, build and maintain under the authority conferred by this act, and for such purpose and before determining upon a final route and plan for the building or construction of any public improvement or work authorized by this act, and for the making of the surveys, maps, plans, reports and estimates as provided in this section, it shall be lawful for the municipalities desiring to make such improvements, by their officers, agents, servants and employes, to enter at all times upon any lands or waters, for the purpose of exploring, surveying, leveling and laying out the route of any outlet or trunk sewer, sewers or drains and appurtenances, locating storage basins or pumping or other works, establishing grades and for the doing of all necessary preliminary work, doing, however, no unnecessary damage or injury to private or other property; such surveys, maps, plans, reports and estimates, or true copies thereof, shall be delivered by the persons making the same to the clerk of each of the municipalities joining in the expense of making the same, together with a statement or estimate of the cost and expense of such proposed improvement, and the percentage of such cost and expense proposed to be apportioned to and paid by each of such municipalities, and also an estimate of the annual cost of maintenance, repairs, operation and supervision of such proposed improvements, to be annually paid by each of such municipalities after the completion of such improvements; said clerks of the respective municipalities interested as aforesaid shall immediately submit to the governing body or board of such municipality having charge of the construction of sewers and drains in such municipality, all the surveys, maps, plans, reports, estimates and statements so delivered to him, and said municipal body or board shall immediately thereafter proceed to consider the same, and if the said board shall not approve the same and decide not to join in the construction of the proposed improvements to which the matters submitted relate, then said board shall pass a resolution declaring its refusal to join in the construction of the said public improvements, and a copy of such resolution, duly certified by the clerk thereof, shall be served on the clerk of each of the other municipalities to whom like service was made as on the clerk of the municipality so refusing; if, on the contrary, such governing body or board of such municipality, as afore-

Certain acts
lawful.

Surveys, etc.,
delivered to
clerks.

Consideration of
reports.

If not approved.

If approved.

Municipalities
so agreeing to
enter into joint
contracts.

Ordinance.

said, shall, after such consideration, by resolution duly adopted, approve the surveys, maps, plans, reports, estimates and statements so submitted to it as aforesaid, then it shall cause such surveys, maps, plans, reports, estimates and statements to be filed with the clerk of such municipality, there to remain of record; a copy of the said resolution of approval certified by the municipal clerk shall be by him served on the clerk of each of the other municipalities interested in the making of the surveys, maps, plans, reports, estimates and statements so submitted and approved as aforesaid; it shall be lawful for any two or more of the municipalities so adopting such resolution of approval as aforesaid, and desiring to unite in the construction and making and maintaining of such public improvements as aforesaid, to thereupon respectively authorize, by an ordinance duly passed, the making and entering into, by and on behalf of such municipalities respectively, of a joint contract or contracts in writing (for which authority is hereby fully given) with such other municipality or municipalities as may then or thereafter desire to unite for the joint building and constructing, operating and maintaining of such outlet or trunk sewer or sewers at the joint cost and expense of such contracting or associated municipalities, and as may be provided and specified in said contract, and for the construction of any necessary storage basins for collecting the sewage of such contracting or associated municipalities, or of any municipality located therein, and for acquiring the right to connect with and use any outlet or trunk sewer or sewers, or system of sewers and appurtenances that may have been theretofore constructed, or that may thereafter be constructed, within or by any other municipality, or within or by any of the municipalities so jointly contracting as aforesaid; such ordinance shall generally describe the route or line, size, capacity and extent of the proposed outlet or trunk sewer or sewers or drains and appurtenances to be jointly constructed by the municipalities contracting therefor with each other as aforesaid; also a general description of the main or trunk sewers or drains, if any, to be connected with such outlet or trunk sewer, and forming a part of such outlet or trunk sewer system; such ordinance shall also prescribe and fix the percentage of the capacity of such outlet or trunk sewer or sewers or drains and appurtenances or connections, to the use of which such municipality shall be entitled; also the percentage of the total cost, damages

and expense of said improvements to be paid by each contracting municipality; after the passage of such ordinance by such municipality, pursuant to the laws governing the same, it shall be lawful for the proper officers thereof to join with the proper officers of the other municipalities so authorized by ordinance, in executing a joint contract in accordance with the provisions of the ordinance of such municipality hereby authorized to be enacted by such municipality, and such municipality and all the other contracting municipalities are hereby authorized to do any and all acts necessary or advisable regarding the execution and recording of such joint contract.

2. After the execution by two or more municipalities in this state of a contract pursuant to the provisions of the first section of this act, and the same is duly recorded in the office of the clerk of the county or counties wherein such contracting municipalities are situate, it shall be lawful for the respective governing bodies or boards of the municipalities so contracting having authority to construct sewers and drains therein, and it shall be their duty, to meet in joint meeting, at such time and place as may be fixed in writing by a majority of the presiding officers of such bodies or boards; and such bodies or boards of said contracting municipalities shall meet at the time and place so to be designated as aforesaid, and shall proceed at once to organize as a joint meeting, by electing, by ballot, a member of one of the bodies or boards of the municipalities composing such joint meeting, a permanent chairman of such joint meeting; said joint meeting shall, immediately after selecting a permanent chairman, and at the same meeting, proceed to elect a secretary and a treasurer and such other officers, servants and agents, and fix their compensation, as a majority of the municipal bodies or boards present and voting in such joint meeting shall deem proper and advisable; such joint meeting shall continue to exist until the full completion of the work or improvement mentioned and referred to in the contract between the several municipalities as aforesaid, and for such further time as may be provided in said contract; such joint meeting may meet and adjourn from time to time, as it may deem advisable, during the progress and continuance of the work of such public improvements and until the completion thereof, as a majority of the municipal boards thereof may determine; each municipality, through its body or

Joint meeting;
its composition,
organization,
proceedings,
powers, duties,
etc.

board represented in such joint meeting, shall be entitled to one vote therein on all motions, resolutions, appointments and all other proceedings taken in or by such joint meeting, and such vote shall be cast and announced as directed by the members of such municipal body or board present in such joint meeting; a majority of the municipal bodies or boards so contracting and entitled to be represented in such joint meeting, when present, shall constitute a quorum for the transaction of business, and such majority shall be and are authorized to adopt and make rules of order governing the proceedings of such joint meeting, and rules for the government of the officers, agents and servants employed or appointed by the same, and the majority vote aforesaid shall be necessary to pass or adopt any motion or resolution by such joint meeting; all proceedings and official action whatsoever, necessary to be taken under the contract or contracts for such public improvements made by municipalities under this act, shall be taken and had by such joint meeting exclusively, except in matters relating to the raising and paying of the money provided to be paid by the contracting municipalities in the contract to be made and entered into thereby, pursuant to the provisions of this act, and in all such matters each contracting municipality shall act in its separate corporate capacity, as provided in such contract or by this or other laws of this state applicable to each municipality; all actions and proceedings of the said joint meeting, pursuant to such contract between them, shall be considered and construed to be done by or under authority of the respective municipalities contracting and represented in such joint meeting, and as if done by each municipality in its separate corporate capacity, and the official actions of such joint meeting, taken in the matters aforesaid, and not contrary to the provisions of this act, shall be obligatory and binding upon each and all of such contracting municipalities in its and their corporate capacity as if the same had been done or taken in the separate corporate name thereof and by its separate corporate action; such joint meeting shall provide a proper meeting-room in which to hold its meetings, and shall also provide proper rooms or buildings for the transaction of the business of its officers, agents and servants, and such joint meeting shall be authorized to contract for the payment of the necessary rent of such meeting-room or offices or other rooms or building necessary for its business

and the safe keeping of its property, and to accomplish its objects; the chairman, secretary and treasurer of such joint meeting, and such other officers or servants thereof as may be required by such joint meeting, before entering upon the discharge of their duties, shall each take and subscribe an oath or affirmation to faithfully and impartially discharge the duties of his office to the best of his skill and understanding, and, if required, shall each enter into bond, with satisfactory surety, to the municipalities jointly contracting, in such sum as may be fixed by such joint meeting; the said joint meeting may fill vacancies occurring at any time in the offices or positions under its control; the secretary and treasurer and other officers of such joint meeting, except the chairman, need not be members of any municipal board represented therein.

3. The said joint meeting acting on behalf and in the corporate names of the several municipalities jointly contracting with each other regarding the public improvements authorized to be jointly made under the provisions of this act, and represented in such joint meeting, shall have full power, in the joint name of all the contracting municipalities, to purchase and acquire all lands, rights or interests in land which may be deemed necessary for the construction of any and all the outlet or trunk sewers, drains, or for storage, pumping and other works and appurtenances connected therewith; all proceedings at law or in equity relating to the doing of the work of the public improvements authorized by this act, and accomplishing the purposes contemplated by the provisions of this act, shall be instituted or taken and conducted in the joint corporate names or titles of all the municipalities contracting for the joint construction and building of such outlet or trunk sewer or sewers or drains and appurtenances, or other improvements or work hereby authorized in connection therewith, and when authorized or approved by the joint meeting herein provided for, shall be deemed, taken and construed to have been taken and done for the proportionate benefit of all such contracting municipalities in accordance with the terms of the contract between them; all sub-contracts, bills, estimates, measurements and all payments of money whatever, relating to or done or growing out of the public work or improvement hereby authorized, shall, before becoming effective or binding, be approved by

Power to acquire
land, rights, etc.

Proceedings at
law instituted in
names of
municipalities.

All payments
must be
approved by
joint meeting.

Accounts kept
by joint meeting.

a majority vote of such joint meeting, as herein provided; said joint meeting shall at all times keep full and accurate account of its receipts, expenditures, disbursements, assets and liabilities; an itemized or detailed statement in writing, signed by the chairman and secretary of such joint meeting, and countersigned by the treasurer thereof, shall be made and rendered at least once in each month, to each municipal body or board in its corporate name, represented in such joint meeting; such itemized or detailed statement shall include all sums of money expended in or about such contract work, or in anywise connected therewith, including the amount and date of payment, name of person to whom paid, for what paid, and such other matters as may be deemed necessary to include in such statement, and as the joint meeting or its chairman, secretary or treasurer may deem advisable or important to include therein; said statement shall also show the amount paid, and, as far as possible, the amount to be paid by each of the contracting municipalities toward each item of expenditure therein included, and the total sum paid or to be paid by each of such municipalities, pursuant to the percentage fixed to be paid by each municipality, in the contract between them; all sums of money to be paid respecting said improvement or in any way relating to or arising out of the same shall be promptly paid by the several municipalities contracting, according to the percentage fixed in the contract or contracts between the several municipalities as aforesaid, each of such municipalities promptly contributing and paying its share thereof to the treasurer of such joint meeting.

Prompt
payment.

Provision for
repairs, cleaning,
etc.

4. In any contract made and entered into by municipalities pursuant to the provisions of this act, it shall be lawful to provide for the repair, rebuilding, operation, maintenance and cleaning, and the cost and expense thereof, of any outlet or trunk sewer or sewers, drains and appurtenances so built and constructed or of any sewer or system of sewers or drains forming a part of such outlet or trunk sewer system.

May pass
through other
municipalities.

5. It shall be lawful for the municipalities jointly contracting, as herein provided, to jointly build and construct trunk or outlet sewer or sewers or drains, with all necessary appurtenances, to tide-water, or to some other trunk or outlet sewer or sewers or drains leading to tide-water, and for this purpose to pass through or partly through territory situate within the bounds of any other municipality, and it

shall be lawful for such municipalities so contracting as aforesaid, and they shall have full power and authority, to construct such outlet or trunk sewer or sewers or drains and appurtenances (upon such terms as may be agreed upon between the jointly-contracting municipalities and the authorities of such other municipality through the streets or highways of which it is proposed to construct such outlet sewer to tide-water ; and in case no agreement can be made between the said contracting municipalities and the authorities of the municipalities through the streets of which such outlet sewer is to run, the circuit court of the county wherein the municipality through whose streets such sewer is to run is situate shall appoint disinterested commissioners to fix terms upon which the contracting municipalities may use and occupy the streets of the municipalities through which such sewers shall run ; such commissioners shall be appointed in the same manner as is provided in section ten of this act, and the findings of such commissioners shall be binding upon all the parties to such proceeding, when confirmed by the court aforesaid) along, under or over any water course, or under or over or across or along any street, turnpike, road, railroad, highway or other way or public park or grounds, and in or upon private or public lands under water, in such way and manner, however, as not unnecessarily to obstruct or impede travel or navigation, and may enter upon and dig up any road, street, highway or private or public land for the purpose of constructing such outlet or trunk sewer or sewers or drains and appurtenances, and for repairing and maintaining the same, and with consent of the board or body having control of the streets and highways in any municipality, may alter or change the location or grade of any highway, public street or way crossed or intercepted by such outlet or trunk sewer or sewers or drains and appurtenances, constructed under the provisions of this act, and in general may do all other acts and things necessary, convenient and proper in connection with the making and maintaining of the improvements contemplated by the provisions of this act ; in case any such sewers or drains shall be laid through or across any public street, highway or public place, in a municipality other than those contracting, or be cleansed, repaired or replaced therein, the work shall be done under such reasonable regulations, if any, as may be imposed by such other municipality with respect to like

Terms of
agreement.

Court may
appoint
commissioners.

Regulations
applying to
work done in
other
municipalities.

work done therein by itself, and such street, highway or public place shall be, as far as possible, restored to its original condition at the proper cost of the municipalities jointly contracting, and for whose benefit the work is done; *provided, however*, that nothing herein contained shall be construed to authorize such jointly contracting municipalities to discharge any such outlet sewer or sewers or drains in tide-water adjacent to or within the boundaries of any municipality of this state, until after a thorough and exhaustive examination of the locality of such discharge shall have been made by the state board of health, and a certificate from such board shall have been given to the governing body of such municipality certifying that in the judgment of such board, such discharge will not in any manner prejudice or impair the health or comfort of the inhabitants of this state.

Proviso.

Contract for use
of sewer may be
made.

6. In case the municipalities so jointly contracting as herein provided shall, at any time after the execution of such joint contract, deem it expedient to contract with the authorities of any other municipality or municipalities, through or over whose territory or any part thereof such outlet or trunk sewer is intended to pass, for the construction of such outlet or trunk sewer or drains and appurtenances located within the territory of such other municipality, in such manner as may be agreed upon between such other municipality and the municipalities theretofore jointly contracting as herein authorized; or such jointly contracting municipalities may contract in writing with any such other municipality or municipalities for the privilege of connecting its or their sewers and drains with such outlet or trunk sewer so to be jointly constructed by the municipalities originally contracting for the constructing and building of such outlet or trunk sewer or sewers or drains in the manner authorized by this act; and it shall be lawful for the body or board of such other municipality or municipalities to enter into a contract for such purpose, upon such terms and for such consideration and length of time as may be mutually agreed upon between all the contracting municipalities.

Further
proceedings may
be by
resolution.

7. Whenever a joint contract shall be made and entered into in writing and duly executed by two or more municipalities under the provisions of this act, all acts and proceedings which may be necessary to be thereafter taken by such municipalities, collectively in joint meeting, or singly

in their corporate capacity, relating to said public improvements, may be taken by resolution and not by ordinance.

8. No ordinance authorizing the making of a contract in writing, between municipalities for the joint construction of such outlet or trunk sewer or sewers and appurtenances, under the provisions of this act, shall be passed by the governing body or board having power to construct sewers and drains in such municipality, until public notice shall be given in a newspaper published or circulating in such municipality, of the intention of such municipal or governing board or body to join in causing such public improvement to be made, and to that end it shall be the official duty of the clerk of such body or board, by direction of such body or board, to give such notice; the notice shall briefly describe the improvements proposed, and request such persons as may object thereto, to present their objections in writing at the office of such clerk and file the same with him, at or before the expiration of ten days from the date of the said notice, or to the said governing body or municipal board at its first meeting held after the expiration of said ten days, and said governing body or board of such municipality may, at such meeting or afterwards, proceed to consider and pass such ordinance, notwithstanding any objection, and thereafter the proceedings of such body or board regarding said ordinance shall be the same or as nearly as may be to like proceedings regarding ordinances passed by such body or board for the construction of sewers within such municipality.

Public notice of proposed contract must be given.

9. At any time after the execution of a contract by and between two or more municipalities in this state for the construction of an outlet or trunk sewer or sewers or drains and appurtenances as herein provided, and whenever such joint meeting of the municipalities shall deem it necessary, it shall be lawful for such municipalities, through the action by resolution of such joint meeting, to take and appropriate for the purposes of such improvements, any lands and real estate, either within such municipalities or any or either of them or beyond the limits of any of the same, and such contracting municipalities are hereby fully authorized to so jointly treat with the owner or owners thereof for the same; and such municipalities acting in joint meeting as aforesaid may jointly secure the rights of way or purchase said lands and real estate from the owners of the

Acquire land after execution of contract.

same, and agree to make such compensation therefor as such joint meeting may deem reasonable, and shall receive from such owner or owners a conveyance of such lands and real estate in the joint corporate names or titles of such contracting municipalities.

In case of no agreement, circuit court to appoint commissioners, upon application.

Their duties, etc.

10. In case no agreement for the securing of the rights of way or for the purchase of the lands and real estate which it may be necessary to take for the purposes aforesaid, can be made between such contracting municipalities in joint meeting aforesaid, and the owner or owners thereof, or when by the absence or legal or other incapacity of such owner or owners no such agreement can be made, or when the owner is unknown, the circuit court of the county in which such contracting municipalities are situated shall, on application in writing, made on behalf of such contracting municipalities, and after notice of the time and place of making such application, published at least ten days previous thereto in some newspaper published or circulating in such contracting municipalities, and in the municipality or municipalities wherein such lands and real estate are situate, appoint three disinterested commissioners to make an estimate and assessment of damages as hereinafter mentioned; such estimate and assessment may embrace the lands and real estate of all owners with whom no agreement can be made; in case of the death, resignation, refusal to serve or disability of any commissioner so appointed, the vacancy shall be filled by said circuit court as soon as may be; the said commissioners, after having taken the oath required by section seventeen hereof, shall give notice, either by advertisement in some newspaper circulating as aforesaid, or by mailing the same to the last known post-office address of such owner, of the time and place of their first meeting, at least ten days prior thereto, and said commissioners, when met, or a majority of them, shall have power to examine witnesses under oath, to be administered by any one of them, and to enter upon and view the premises, and to adjourn from time to time; and they, or a majority of them, shall make a just and true estimate and assessment of the damages that any such owner or owners will sustain by taking and appropriating, in manner aforesaid, such lands and real estate; and in estimating and assessing such damages, the commissioners shall have regard to the injury to the remaining land.

11. Said commissioners shall make a report of their estimate and assessment to said circuit court, and upon the coming-in of such report, signed by said commissioners or any two of them, the said court shall cause such notice to be given by advertisement or otherwise, as it shall direct, of the time and place of hearing any objection that may be made to such assessment, and after hearing any matter which may be alleged against the same, it shall, by rule or order, either confirm the said report or refer the same to the same commissioners for revision or correction, or to new commissioners to be appointed by it, or it may itself, upon a hearing had before it, modify or alter such report, and any award of damages made therein, in such manner as to it may seem just; and the said commissioners to whom the said report may be so referred shall return the same corrected and revised, or make a new report, and the same on being so returned shall be confirmed or again referred, or may be modified or altered by said court as aforesaid, and so from time to time until a report shall be made or returned which the said court shall, with or without alteration, confirm; and such report when so confirmed shall be final and conclusive, as well upon the said municipalities jointly contracting for such public improvements as aforesaid, as upon the owner or owners of any land affected thereby, except as herein provided, and the said circuit court shall cause a certified copy of said report to be transmitted to the chairman of the joint meeting of such contracting municipalities, together with a certified copy of the rule of said court confirming the same.

Commissioners' report; hearing by court; confirmation, amendment, or reference.

Final report.

12. Said report or a certified copy thereof shall be plenary evidence of the right of said municipalities jointly contracting for such improvements, and their agents, to enter upon, take and use the said land and real estate, with the appurtenances, the said contracting municipalities first jointly tendering to the owner or owners thereof, if residing in this state, the amount so awarded; and if any such owner be not a resident of this state, or upon due inquiry cannot be found therein, or is unknown, or is a lunatic or idiot, or under age, or is for any other cause incapacitated to receive the amount awarded, or will not receive the same and sign a proper receipt therefor when tendered, or in case a dispute arise (of which such contracting municipalities shall be jointly and duly notified) as to the persons entitled to receive

Report a right to take such property, upon tendering payment.

In case of refusal to receive payment.

the money or as to the proportions in which they shall be so entitled to receive it, then affidavit shall be made of the facts, and filed in the office of the county clerk in which such lands are located, and the amount awarded to such owner shall be deposited in such circuit court before the municipalities jointly contracting as aforesaid shall have the right to take and use the said lands and real estate; in case of such dispute as aforesaid, the matter may be determined by the circuit court in which the amount of any such award shall be deposited, in such mode, summary or otherwise, as it may deem proper, or in case of any want of jurisdiction in such circuit court, then by the proper tribunal.

Right of appeal
by person
aggrieved.

13. Any person aggrieved by any assessment of damages may appeal to the supreme court of this state at any time within sixty days after the confirmation of the commissioners' report by the circuit court, and said supreme court shall thereupon order a trial by jury to assess such damages anew, and the trial shall be conducted as in other cases of trial by jury and set aside or reviewed in like manner; *provided*, that the completion of said improvement shall not be delayed thereby, and said municipalities jointly contracting therefor may proceed therewith as though said appeal had not been taken.

Proviso.

Ascertaining
cost, damages,
etc.

14. Immediately upon the completion of the work, or of a definite part thereof, the governing bodies or boards of the municipalities jointly contracting for said public improvement shall meet in joint meeting as in this act provided, and shall, by resolution, ascertain and declare the whole amount of the costs, damages and expenses of making, constructing and completing the said outlet or trunk sewer or sewers and drains or any part thereof, and of all appurtenances or connections of the same, and of all matters or things connected therewith so far as the same are completed; and said municipalities jointly contracting as aforesaid shall, without delay, through and by said joint meeting, jointly apply to the circuit court of the county in which such contracting municipalities or a majority thereof are situate, for the appointment of three disinterested commissioners to make a just and equitable assessment of the whole amount of the costs, damages and expenses so ascertained and declared as aforesaid upon all the owners of lands and real estate fronting on the said public improvements which are peculiarly benefited thereby, in proportion as nearly as may

Apply for
commissioners
to assess
benefits.

oe to the advantages each shall be deemed to acquire; the said application shall be on the same notice as is prescribed in section eleven of this act for the appointment of commissioners to assess damages, and the court shall have the same power with respect to their appointment and to the filling of vacancies arising in such commission, as is conferred by that section of this act; that said commissioners shall give the notice which commissioners to assess damages are required to give by that section, and they shall have the same power to examine witnesses and to view the premises as is thereby conferred.

15. Said commissioners, after having taken the oath mentioned in section seventeen hereof, shall at once proceed to perform the duties hereby conferred upon them, and they shall, within sixty days, unless the court shall, before or after its expiration, extend the time, make a just and equitable assessment of the costs, damages and expenses ascertained and declared as aforesaid by said municipalities jointly contracting for said improvements as aforesaid, upon the owners of lands and real estate located in any of the territory of such contracting municipalities and fronting on the improvement or improvements, which are peculiarly benefited thereby, in proportion, as nearly as may be, to the advantage each shall be deemed to acquire; in case the said costs, damages and expenses shall exceed the amount of said benefits, then the excess shall be assessed upon and paid by the municipalities respectively so jointly contracting for the making of such improvement or improvements in accordance with the apportionment of or percentage of the costs, damages and expenses provided to be borne and paid by the respective contracting municipalities in the contract made and entered into between them; *provided*, that no benefits shall be assessed in respect of the cost of any such improvement or work in so far as such improvement or work extends beyond the line of the whole property assessed, but the cost thereof shall be assessed upon and paid by the municipalities respectively jointly contracting as aforesaid, in and according to the percentage of the costs, damages and expenses each is obligated to pay by the joint contract so made and entered into; *and provided further*, that no part of said costs, damages and expenses shall be assessed upon lands and real estate situated outside of the municipalities

Duties of
commissioners.

Proviso.

Proviso.

originally or subsequently contracting for the joint construction of such improvement or improvements.

Report of
commissioners.

16. Said commissioners shall make a report, in writing, of their assessment, signed by them, or any two of them, to said circuit court, and the proceedings upon the coming-in of such report shall be in all respects similar to those prescribed in section eleven hereof; and the court shall have the same power to confirm, alter and refer such report as is given by that section of this act, and shall proceed in all respects according to the provisions thereof, so far as the same are applicable; the report, when confirmed, shall be final and conclusive, both upon the municipalities jointly contracting for the construction of such improvements and upon the owners of any land affected thereby.

Oath of
commissioners.

17. The commissioners appointed to assess damages and those appointed to assess benefits, before they enter upon the execution of their duties, shall severally take and subscribe an oath or affirmation before a master in chancery of this state to make the assessment fairly and impartially, according to the best of their skill and judgment.

Compensation of
commissioners.

18. The said circuit court shall settle and determine the compensation to be paid to said commissioners and the costs and expenses of the application, report and proceedings, all of which shall be approved by the joint meeting of the boards or bodies of the municipalities contracting for the joint construction of said improvements, and each of such municipalities shall immediately pay its part of said costs and expenses to the treasurer of said joint meeting, in the proportion to the percentage of costs and expenses of said work fixed in the contract or contracts made and entered into by the several municipalities.

Certain acts not
to invalidate
proceedings.

19. No mistakes in naming or omitting to name the owner of lands or real estate in any report, map or proceeding, or in designating the quantity of his or her interest or the nature of his or her estate, or any misrecitals, shall in anywise invalidate any assessments or sales made under this act.

Assessments a
lien; when due.

20. The assessments for benefits made under this act shall be a lien upon the lots or parcels of land and real estate respectively assessed from the date of the ratification or confirmation of the report thereof, and shall be immediately due and payable to the collector or receiver of taxes or other chief financial officer of the contracting municipality wherein the same are situate, and it shall be the duty of the govern-

ing body or board of such municipality to forthwith furnish the proper municipal financial officer of such municipality with a certified copy of such assessment, which said official shall enter in a book to be kept in his office for that purpose, and thereupon he shall give notice for two weeks in a newspaper circulating in such municipality, to be inserted therein once at least in each week, stating that said assessment report has been delivered to him, and requiring payment of the sums assessed within sixty days from and after the first publication of said notice, and in case said assessment shall remain unpaid at the expiration of sixty days from and after such first publication, the said assessment shall draw interest thereon from that time at the rate of one per centum per month; and it shall be the duty of said municipal official to proceed in the collection of said assessment by a sale of the land in such municipality in respect of which such assessment may have been made, after the expiration of two years.

If unpaid, to
draw interest.

21. The said collector or receiver of taxes or like financial officer of such contracting municipality in which any such lands are situate shall thereupon give a second notice, by advertisement in a newspaper printed or circulating in such municipality, that unless such assessment, with interest thereon as aforesaid, and all costs and fees, shall be paid to him at his office within thirty days after the first publication of said second notice, he shall proceed, at a certain time and place therein specified, between the hours of one and five o'clock in the afternoon, to make sale, in accordance with the provisions of the laws governing such matters and applicable to such municipality, of the said lands and real estate situate therein whereon said assessment shall have been imposed or may be a lien; that said second notice shall be published in said newspaper at least four weeks successively, at least once in each week, and shall contain a brief abstract of said assessment, showing the name of the owner or owners when known, a brief description of said lands and real estate and the amount of unpaid assessments due thereupon.

Action taken
after expiration
of time.

22. At the time and place, and between the hours mentioned in said notice, the said collector or receiver of taxes or other like financial officer of such municipality shall proceed to sell at public auction the several parcels of land and real estate upon which the said assessment shall remain due and unpaid, for the lowest term of years, but in no case

Public sale;
time, costs, etc.

exceeding fifty years, for which any person will take the same and pay the amount of such assessment, with the interest thereon as aforesaid, and all costs and fees, including the expense of advertisement and sale; that such payment shall be made by the purchaser before the close of the sale, and if not so made the official making such sale may resell the property or the municipality may have its action against the purchaser for the payment of the whole amount due, with interest thereon as aforesaid; that the sale may be adjourned from time to time, at the discretion of the official making the same, until all the said lands and real estate in such municipality shall have been disposed of, and such parcels as are not bid for when offered for sale or resale shall be struck off to such contracting municipality for a term of fifty years.

Unsold property.

Laws applicable to sale.

23. All proceedings subsequent to such sale, including those relating to the certificates and declarations of sale, and the record and cancellation thereof, the rights and notices to mortgagees, rights of redemption and cancellation of records, and respecting all other matters and things connected therewith or arising out of such sale, shall, as nearly as may be, be done, conducted and had in accordance with and pursuant to the provisions of the laws of this state applicable to like matters and things in the municipality wherein such sale shall be made as aforesaid.

May borrow money and issue obligations.

24. For the purpose of defraying the costs and expenses of the construction of such outlet or trunk sewer or sewers and drains and their appurtenances and connections as authorized by this act, in respect of which an assessment for benefits may be made on lands and real estate situated in any such contracting municipality, the governing body or board having charge of the finances of any such contracting municipality may, if necessary, borrow money and secure the payment of the same by the notes and other temporary obligations of such municipality; these notes and obligations may be renewed from time to time until the work of such improvements be done, or the assessments for benefits confirmed; when so confirmed the said governing body or board of such municipality shall provide for the costs and expenses of such improvements in the manner hereinafter mentioned.

Renewal of obligations.

25. If a sum equal to or greater than the amount assessed for benefits has already been borrowed by such municipality, at the time when such improvements are completed

or assessments for benefits confirmed, and the payment of the sums so borrowed has been secured by notes or other temporary obligations of the municipality, then such notes and obligations, to an amount equal to the amount so assessed for such benefits, may be renewed from time to time as far as necessary for a period of five years longer and all moneys paid in on such assessments during that period shall be exclusively devoted to the payment of and shall be used to pay said notes and obligations as they mature; if the amount so borrowed as aforesaid be less than the amount assessed, the said governing body or board of such municipality may, if necessary, borrow and issue its temporary obligations for such additional sum as with the amount already borrowed will equal the amount assessed; and the indebtedness of the municipality, in whatever form it may exist, shall, to the amount of the assessment, be paid and discharged out of the moneys paid in on such assessments, so far as they may be paid in during said period of five years; if, at the expiration of said period of five years, the said indebtedness, so equal in amount to the benefits assessed, be not paid in full, then such governing body or board, in order to provide for its payment, shall issue the bonds of such municipality for the amount remaining unpaid, which bonds may be registered or coupon bonds, payable in the manner hereinafter provided; and all assessments received by such municipality, after said period of five years, shall go into its treasury and be used as the body or board having the control of the finances of such municipality may direct.

26. In order to provide for and pay the amount of the difference between the total amount of the costs, damages and expenses of said improvements, including all incidental expense, and the total amount of all assessments made and levied for benefits as aforesaid, on the lands and real estate situated in any and all of the contracting municipalities, it shall be lawful for the governing body or board of each contracting municipality, by resolution duly adopted, to cause to be issued the bonds of such contracting municipality, in such sum as will be sufficient to pay the share or percentage of such total amount due therefrom, and provided to be paid by the contract entered into by such municipality; such bonds may be registered or coupon bonds, payable in the manner hereinafter provided; these bonds shall be used

Provision for
payment of
difference by
bonds.

(1) to discharge the notes or temporary obligations of the municipality issued as aforesaid, so far as they exceed in amount the assessment for benefits, (2) to satisfy and discharge whatever may remain due from such contracting municipality on the costs and expenses of the work or improvements, according to the contract entered into between such municipalities.

If no assessments for benefits, each municipality may issue bonds.

27. In case there be no assessment for benefits in any of the said contracting municipalities, then the body or board of each municipality having charge of its finances may issue the registered or coupon bonds of such municipality to an amount sufficient to defray its part, share or percentage of all the costs, damages and expenses of the said improvements, or of any contract relating thereto, entered into by it jointly with the other contracting municipalities, pursuant to the provisions of this act, said bonds to be payable in the manner fixed by such body or board having charge of the finances of such municipality, not inconsistent with the provisions of this act, regard being had to the bonds already issued for completed improvements, and to the bonds which will probably be required for improvements actually contemplated but not yet authorized to be issued.

Bonds; rate, sale, issue.

28. The notes or other obligations of such municipality herein authorized to be issued, shall bear interest at a rate not exceeding six per centum per annum; they shall not be sold for less than par or face value, and they shall not be issued to an amount at any time exceeding ten per centum of the valuation of the taxable property in such municipality as shown on its official books at the date of such issue, such ten per centum to include any and all bonded indebtedness that may be outstanding against such municipality; said notes and obligations shall be signed by the mayor or acting mayor, or chairman or president of the governing body or board or chief officer of such municipality and the clerk of the same, as may be directed by resolution of the body or board having control of the finances of such municipality, and shall be issued under such regulations and restrictions as such body or board shall deem proper.

Amount of interest raised by tax.

29. It shall be lawful for the governing body or board having control of the finances of any municipality contracting with any other municipality or municipalities, pursuant to the provisions of this act, to raise by tax in each year, as other moneys are raised in such municipality, such

sum of money as may be necessary to pay the interest on the notes and other obligations of the municipality issued as aforesaid, including, when necessary, interest on such of its obligations as may be payable out of the proceeds of assessments, and also the principal of such bonds, except obligations payable out of assessments and temporary obligations issued as aforesaid, as may mature during the then ensuing fiscal year.

30. It shall be lawful for the said governing body or board having control of the finances of such contracting municipality, in lieu of issuing the bonds of such municipality, to pay its proportion of the costs and expenses of any improvements jointly contracted for and made under this act, with money to be raised by taxation, after the making of the public improvements herein authorized have been determined upon and a joint contract made and entered into pursuant to the provisions of this act, or by paying the whole or a part of such indebtedness out of any moneys belonging to such contracting municipality not otherwise appropriated or required.

Payment in
lieu of bonds.

31. Whenever any work to be performed or materials to be furnished in or about any improvement to be made under the provisions of this act shall involve an expenditure of any sum of money exceeding five hundred dollars, the municipal bodies or boards of the contracting municipalities, by their official action taken in joint meeting as herein provided, shall designate a time when they will meet at their usual place of meeting to receive proposals, in writing, for doing the work or furnishing the materials, and such joint meeting shall order the chairman and secretary thereof to give notice, by advertisement inserted in one or more newspapers published or circulating in the municipalities jointly contracting, at least two weeks before the time of such meeting, of the work to be done or materials to be furnished, of which, at the time of such order, they shall cause to be filed in the office of such joint meeting particular specifications; all proposals received shall be publicly opened by such chairman in the presence and during a session of such joint meeting, and of all others who choose to attend the said meeting; not more than one proposal shall be received from any one person, directly or indirectly, for the same contract work or materials; and the said joint meeting may reject any and all of said proposals and direct its chairman

Proposals
invited when
expenditure
exceeds five
hundred dollars.

and secretary to advertise for new proposals and accept such as shall in the opinion of a majority of the municipalities represented in said joint meeting be deemed most advantageous for the said municipalities, subject, however, to the reservations herein provided; the proposal so accepted shall be reduced to a contract in writing, and a satisfactory bond to be approved by such joint meeting shall be required and given for its faithful performance, but all contracts when awarded shall be awarded to the lowest responsible bidder offering satisfactory security; this section shall not apply to any engineer or agent of the joint contracting municipalities engaged in supervising or directing the work of such improvements.

"Joint meeting"
defined.

32. The words "joint meeting," as used in this act, shall be construed to mean the meeting or assembly of the members of the governing bodies or boards of the several municipalities having authority to make and enter into a contract for the construction jointly of public improvements, pursuant to and by virtue of the provisions of this act.

Repealer.

33. All acts and parts of acts, general, local or special, contrary to the provisions of this act, be and the same are hereby repealed, and this act shall take effect immediately.

Approved March 15, 1899.

CHAPTER 37.

An Act to fittingly commemorate the memory and services of the sailors from the state of New Jersey who lost their lives by the destruction of the battleship "Maine," in the Havana harbor, on February fifteenth, one thousand eight hundred and ninety-eight, and appropriating the sum of five hundred dollars for the erection of a suitable monument with which to mark their final resting-places.

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

Appropriation
for monument.

1. In order to fittingly commemorate the memory, and in recognition of the services of the sailors from the state of

New Jersey who gave up their lives by the destruction of the battleship "Maine," in Havana harbor, Cuba, on the night of February fifteenth, one thousand eight hundred and ninety-eight, the sum of five hundred dollars is hereby appropriated from any funds in the state treasury not otherwise appropriated, for the erection of a suitable monument, to be erected at or near the graves of said deceased sailors.

2. For the carrying out and execution of the provisions of this statute the governor shall appoint two commissioners, to serve without compensation, whose duty it shall be to procure the names of said deceased sailors, and such other matters of record and information for properly inscribing said monument; said commissioners to act in co-operation with the secretary of war in the selection of a proper site for said monument and other essential details.

Commissioners;
their duties.

3. This act shall take effect immediately.

Approved March 15, 1899.

CHAPTER 38.

An Act to provide for the payment of wages in lawful money of the United States every two weeks.

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

1. Every person, firm, association or partnership doing business in this state, and every corporation organized under or acting by virtue of or governed by the provisions of an act entitled "An act concerning corporations" (Revision of one thousand eight hundred and ninety-six), in this state, shall pay at least every two weeks, in lawful money of the United States, to each and every employe engaged in his, their or its business, or to the duly-authorized representative of such employe, the full amount of wages earned and unpaid in lawful money to such employe, up to within twelve days of such payment; *provided, however*, that if at any time of payment, any employe shall be absent from his or her regular place of labor and shall not receive his or her wages through a duly-authorized representative, he or she shall be entitled

Bi-weekly pay-
ments in lawful
money.

Proviso.

Penalty for
violation.

Proviso.

Agreements
made in viola-
tion of this act
not valid.

Duty of factory
inspectors and
prosecutors.

Repealer.

to said payment at any time thereafter upon demand; any employer or employers as aforesaid who shall violate any of the provisions of this section, shall be deemed guilty of a misdemeanor and shall be punished by a fine of not less than twenty-five dollars and not more than one hundred dollars for each and every offence, at the discretion of the court; *provided*, complaint of such violation be made within sixty days from the day such wages become payable according to the tenor of this act; the provisions of this section shall not apply to any employee or employees engaged in agricultural work or as watermen.

2. It shall not be lawful for any such person, firm, association, partnership or corporation, as aforesaid, to enter into or make any agreement with any employe for the payment of the wages of any such employe otherwise than as provided in section one of this act, except it be to pay such wages at shorter intervals than every two weeks; every agreement made in violation of this act shall be deemed to be null and void, and the penalties provided for in section one hereof may be enforced notwithstanding such agreement; and each and every employe with whom any agreement in violation of this act shall be made by any such person, firm, association, partnership, corporation or the agent or agents thereof, shall have his or her action and right of action against any such person, firm, association, partnership or corporation, for the full amount of his or her wages in any court of competent jurisdiction in this state.

3. The factory inspector of this state and his deputies shall make complaint against any employer or employers aforesaid who neglects to comply with the provisions of this act for a period of two weeks after having been notified in writing by said inspector or his deputies of a violation of this act; and it is hereby made the duty of county prosecutors of the pleas to appear in behalf of such proceedings brought hereunder by the factory inspector or his deputies.

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

5. This act shall take effect immediately.

Approved March 16, 1899.

CHAPTER 39.

An Act to amend an act entitled "An act to provide for drainage and sewerage in cities of this state," approved April seventh, one thousand eight hundred and ninety.

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

1. Section forty-seven of the act entitled "An act to provide for drainage and sewerage in cities of this state," approved April seventh, one thousand eight hundred and ninety, be and is hereby amended so as to read as follows :

Section
amended.

47. No provision of any act which prohibits the pollution of any of the waters of this state used to supply any aqueduct or reservoir, or which are distributed for public use, is intended to be hereby repealed, and this act shall not be construed to authorize the discharge of sewage into fresh water in such a manner as to defile a source of public water-supply ; nor is this act intended, nor shall it be held or construed, to deprive any person of any right of action for injury to person or to property, but any municipality exercising the powers conferred by this act shall, except where herein otherwise expressly provided, be and remain liable for injuries resulting to persons and to property in the same manner and to the same extent as if such municipality were a private corporation.

Intention of
this act.

2. This act shall take effect immediately.

Approved March 16, 1899.

CHAPTER 40.

An Act to incorporate the city of Englewood, in the county of Bergen, and fix the boundaries thereof.

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

Description of
boundaries.

1. All that part or portion of the county of Bergen known as the city of Englewood, together with all that part of the township of Ridgefield in said county, together described as follows: Beginning at a point made by the intersection of the northerly line of the borough of Leonia extended, easterly, in a straight line, until it intersects the westerly boundary line of the borough of Englewood Cliffs, extended southerly, in a straight line; thence running (one) northerly, along the westerly line of the borough of Englewood Cliffs, so extended, and the westerly line of said borough, to the northerly side of Palisade avenue; thence (two) westerly, along said northerly side of Palisade avenue and still along the line of said borough until it intersects the westerly line of the brook running southerly across said avenue through the lands of Henry W. Banks and others; thence (three) northerly, along the westerly line of said borough to the southerly line of the borough of Tenaflly; thence (four) along the southerly line of the borough of Tenaflly, to the center line of Tenaflly road; thence (five) along the center line of Tenaflly road, and still along the line of said borough, to the intersection of said center line of Tenaflly road with the center line of township line road; thence (six) westerly, along the center line of said township line road and along the southerly boundary line of the said borough of Tenaflly, to the point of intersection of the center line of said road with the easterly line of the township of Teaneck; thence (seven) southerly, along the easterly boundary line of the township of Teaneck, following the various courses thereof, to the northwesterly corner of the borough of Leonia; and thence (eight) easterly, along the northerly line of the borough of Leonia, and along the

northerly line of said borough extended, easterly, in a straight line, to the point or place of beginning, be and is hereby constituted a city of this state, and all the inhabitants of the state residing within the limits aforesaid be and they are hereby ordained, constituted and declared to be from time to time and forever hereafter, one body politic and corporate, in fact and in name, by the name of "the city of Englewood."

Corporate name.

2. This act shall take effect immediately.

Approved March 17, 1899.

CHAPTER 41.

An Act to secure the purity of the public supplies of potable waters in this state.

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

1. No sewage, drainage, domestic or factory refuse, excremental or other polluting matter of any kind whatsoever which, either by itself or in connection with other matter, will corrupt or impair, or tend to corrupt or impair, the quality of the water of any river, brook, stream or any tributary or branch thereof, or of any lake, pond, well, spring or other reservoir from which is taken, or may be taken, any public supply of water for domestic use in any city, town, borough, township or other municipality of this state, or which will render, or tend to render, such water injurious to health, shall be placed in, or discharged into, the waters, or placed or deposited upon the ice, of any such river, brook, stream or any tributary or branch thereof, or of any lake, pond, well, spring or other reservoir above the point from which any city, town, borough, township or other municipality shall or may obtain its supply of water for domestic use, nor shall any such sewage, drainage, domestic or factory refuse, excremental or other polluting matter be placed or suffered to remain upon the banks of any such river, brook, stream or of any tributary or branch thereof, or of any lake, pond, well, spring or other reservoir above

Prohibiting the pollution of water supply for domestic purposes.

the point from which any city, town, borough, township or other municipality shall or may obtain its supply of water for domestic use as aforesaid; and any person or persons, or private or public corporation, which shall offend against any of the provisions of this section shall be liable to a penalty of one hundred dollars for each offense; and each week's continuance, after notice by the state or local board of health to abate or remove the same, shall constitute a separate offense; *provided, however*, that this section shall not be held to apply to any city, town, borough, township or other municipality of this state which, at the date of the passage of this act, has a public sewer or system of sewers, drain or system of drains, legally constructed under municipal or township authority, discharging its drainage or sewage into any such river, brook, stream, lake, pond, well, spring or other reservoir; *and provided, further*, that nothing in this section contained shall be construed to repeal, modify or otherwise affect any law or statute now conferring upon any local board of health the power or authority to institute any proceedings in any court of this state for the recovery of any penalty for, or obtaining any injunction against, the pollution of any of the waters of this state.

Proviso.

Proviso.

Enforcement of
penalty incurred.

2. Any penalty incurred under any of the provisions of the first section of this act may be recovered, with costs, in a summary proceeding, either in the name of the board of health of the state of New Jersey, or in the name of the local board of health of the township, city, borough, town or other local municipal government within whose jurisdiction the penalty may have been incurred; it shall be the duty of any health inspector, or member of any local board of health, who shall know or be informed of any violation of any of the provisions of the first section of this act whereby any penalty may have been incurred, to make, and any other person having such knowledge may make, under oath or affirmation, a complaint against the person or persons or private or public corporation incurring such penalty, setting forth the facts of such violation, which complaint shall be filed in the office of the clerk of the district court, or with any justice of the peace of the county within which the offense may have been committed, or with any police justice or recorder of the township, city or other municipality within which any local board bringing suit shall have jurisdiction; and the district court, justice of the peace

police justice or recorder with whom any complaint shall be filed as aforesaid, setting forth facts sufficient to show that the penalty prescribed by the first section of this act has been incurred, is hereby authorized and required to issue process either in the nature of a summons or warrant, which process, when in the nature of a warrant, shall be returnable forthwith, and when in the nature of a summons shall be returnable in not less than five nor more than fifteen days; on the return of such process, or at any time to which the trial shall have been adjourned, the said court, justice of the peace, police justice or recorder shall proceed to hear the testimony of witnesses and the proofs in the case, and to determine and give judgment in the matter without the filing of any pleadings, and, if judgment shall be given in favor of the plaintiff, execution shall forthwith issue against the goods and chattels of the defendant for the amount of the penalty, with costs; and all judgments so rendered shall have the same force and effect as other judgments in civil actions before civil courts and officers, and may be docketed in like manner in the office of the clerk of the court of common pleas; the officers to serve and execute any process or execution issued as aforesaid shall be the constables of the counties, which service and execution, in the case of any execution issued out of the district court, shall be made in the same manner and under the same liabilities as other executions issued out of said court are served and executed; the officers to serve and execute any process or execution issued by a justice of the peace, police justice or recorder shall be the constables of the county, which service and execution shall be made in the same manner and under the same liabilities as prescribed in cases of the service and execution of processes and executions by the act entitled "An act constituting courts for the trial of small causes," and the supplements thereto; all moneys recovered in any such proceeding shall be paid to the plaintiff therein and applied by such plaintiff to any purpose for which it may be legally authorized to expend money.

3. The state board of health shall have the general supervision, with reference to their purity, of all rivers, brooks, streams, lakes, ponds, wells, springs or other reservoirs in this state, the waters of which are, or may be used as, the source or sources of public water supplies for domestic use, together with the waters feeding the same, and shall have

State board of health to have general supervision as regards purity of water supply.

the authority, from time to time, as they deem necessary or proper, to examine the same and to inquire what, if any, pollutions exist, and their causes; and the said state board of health, in carrying out the provisions of this section may, from time to time, as they deem it necessary or proper, address inquiries in printed or written form to any local board of health, municipal or township authority, corporation, or person or persons, which inquiries it shall be the duty of the persons or parties addressed to answer within such time as the said state board of health may in such inquiries prescribe.

Violation prohibited by injunction.

4. If any person or persons, corporation or corporations, city, town, borough, township or other municipality of this state, or any municipal or township authority, shall violate any of the provisions of the first section of this act, it shall be lawful for the said state board of health, instead of proceeding in a summary way to recover the penalty prescribed in said section, to file a bill in the court of chancery, in the name of the state, on the relation of such board, for an injunction to prohibit the further violation of the said section, and every such action shall proceed in the court of chancery according to the rules and practice of bills filed in the name of the attorney-general on the relation of individuals, and cases of emergency shall have precedence over other litigation pending at the time in the court of chancery, and may be heard on final hearing within such time and on such notice as the chancellor shall direct.

Repealer.

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

6. This act shall take effect immediately.

Approved March 17, 1899.

CHAPTER 42.

An Act to amend an act entitled "An act for the relief of creditors against absconding and absent debtors" (Revision), approved March twenty-seventh, one thousand eight hundred and seventy-four.

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

1. Section eight of the act entitled "An act for the relief of creditors against absconding and absent debtors" (Revision), approved March twenty-seventh, one thousand eight hundred and seventy-four, is hereby amended so as to read as follows:

Section
amended.

8. The writ of attachment may be issued against the executor, administrator, heir or devisee of any deceased debtor in all cases in which the writ might lawfully have been issued against such debtor immediately prior to his decease, and in case such writ shall issue against an executor or an administrator the personal estate of said deceased debtor may be attached and taken by virtue of the said writ, and in case said writ shall issue against an heir or devisee of any deceased debtor all lands, tenements, hereditaments and real estate descended from or devised by such deceased debtor to the heir or devisee against whom the attachment is issued, may in like manner be attached and taken by virtue of the said writ.

Writ of attachment against deceased debtor.

2. This act shall take effect immediately.

Approved March 17, 1899.

CHAPTER 43.

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

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

Appropriation
for public roads.

1. The sum of one hundred and fifty thousand dollars be and the same is hereby appropriated annually, or so much thereof as may be included in the annual appropriation law, to be paid out of any moneys in the state treasury not otherwise appropriated, for the extension of the benefits and making effective the provisions of the act to which this act is a supplement.

2. This act shall take effect immediately.

Approved March 17, 1899.

CHAPTER 44.

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

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

When property
may be assessed
not to exceed
10% for road
benefits.

1. Whenever there shall be presented to the township committee, borough council, board of trustees or commissioners, or other governing body of any township, town, borough, village, or of any municipality governed by a

board of commissioners, a petition signed by the owners of at least two-thirds in lineal feet of the lands fronting on any public road or section of road in such township, town, borough, village or municipality, praying such governing body to cause such roads or section to be improved under the act to which this is a supplement, and setting forth that they are willing that the peculiar benefits conferred on the lands fronting on said roads or section shall be assessed thereon, in proportion to the benefits conferred, to an amount not exceeding ten per centum of the entire cost of the improvement, it shall be the duty of such governing body to consider and determine whether the road or section mentioned in such petition is of sufficient general importance to warrant the expenditure necessary for the improvement thereof, and to grant the prayer of such petition or refuse the same if of opinion that the improvement is not of sufficient public importance, or that the expense thereof will be an unnecessary public burden; and in case the prayer of such petition is granted, then such road shall be improved in the same manner and subject to the same regulations, as far as practicable, as in case where a petition is presented to the board of freeholders of any county under the eighth section of the act to which this is a supplement.

2. The said governing body shall cause all necessary surveys to be made, and specifications to be prepared for a macadamized road, or a telford or other stone road, or a road constructed of gravel, oyster shells or other good material, in such manner that the same will, with reasonable repairs thereto, at all seasons of the year, be firm, smooth and convenient for travel, and shall thereafter proceed in the same manner as the board of freeholders is required to proceed by the act to which this is a supplement; and the state commissioner of public roads shall have the same power and authority in respect to the roads authorized by this supplement as by said act are conferred upon him in respect to roads improved under such act.

Construction of road; supervision.

3. The state commissioner of public roads shall appoint as supervisor of the work, such person as shall be nominated by such governing body; such supervisor shall perform the same duties and shall be subject to the same provisions as the supervisor appointed under the act to which this is a supplement, and shall be paid out of the treasury of the township, or other municipality, and shall file one copy

Supervisor of construction.

of the statement required by the third section of the aforesaid act with the township committee, or other municipal authority, and the other with the state commissioner of public roads.

Proportion of
charges, how
assumed.

4. The aggregate amount of the peculiar benefits conferred on the lands fronting on any road improved under authority of this supplement, not exceeding ten per centum of the entire cost of the improvement, shall be borne by the owners of the land so benefited, one-third of the cost of the improvement (less so much thereof not exceeding one-tenth as shall be assessed upon the property benefited) shall be paid for out of the state treasury, the remaining two-thirds of such cost shall be borne by the said township, or other municipality within which said road is located.

Assessment of
benefits.

5. The amount of peculiar benefits conferred by such improvement on lands fronting on such road shall be assessed on the application of the township committee, or other governing body, in the manner prescribed by the act to which this is a supplement, and all proceedings under this supplement shall conform as far as practicable to the proceedings authorized and directed by said act, and the said governing body shall, so far as concerns roads constructed by virtue of this supplement, perform the same duties and have the same powers as by said act devolve upon the board of freeholders in respect to roads built under the aforesaid act.

Maintenance of
roads.

6. Every road constructed under the provisions of this supplement shall thereafter be maintained and kept in repair by the township or other municipality in which such road is situate, in the same manner in all respects as other public roads therein are or may be maintained and kept in repair, and none of the special provisions of the act to which this is a supplement whereby said road shall be a county charge, shall be applicable to roads built by authority of this supplement.

7. This act shall take effect immediately.

Approved March 17, 1899.

CHAPTER 45.

A Further Supplement to an act entitled "An act to establish the Long Branch police, sanitary and improvement commission," which said act was approved April eleventh, one thousand eight hundred and sixty-seven.

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

1. The title of an act entitled "An act to establish the Long Branch police, sanitary and improvement commission," which act was approved April eleventh, one thousand eight hundred and sixty-seven, be and the same is hereby amended so that the said title shall be "An act to establish the Long Branch commission." Title amended.

2. The municipality created by said act shall be hereafter known as the Long Branch commission, and by, in and under such name the said municipality shall continue to possess, enjoy and exercise all the powers, privileges and franchises conferred upon it by said act and the several acts supplementary thereto, and shall continue to be subject in all respects to the regulations, limitations and restrictions in said act and the acts supplementary thereto contained. Legal name ;
rights, privi-
leges, etc.

3. All acts, special or public, in so far as the same or any of them may conflict with the provision of this act, be and the same are hereby repealed. Repealer.

4. This act shall take effect immediately.
Approved March 17th, 1899.

CHAPTER 46.

An Act giving consent to the Northern Railroad Company of New Jersey to lease its franchises, railroad and property to Erie Railroad Company, or to merge its railroad, stock, property and franchises with those of Erie Railroad Company, or to do both.

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

Consent given to
lease franchises,
etc.

1. Consent is hereby given to the Northern Railroad Company of New Jersey to lease its franchises, railroad and property to Erie Railroad Company, a railroad corporation of the state of New York, for such time and upon such terms and conditions as shall be agreed upon between the said two companies, upon condition, however, that such lease shall be approved by the holders of two-thirds in amount of the stock of said Northern Railroad Company of New Jersey, by approval given either in writing or at a meeting of the stockholders by vote; or with like approval to unite, consolidate or merge the whole or any part of its stock, property, franchises or railroad with that of Erie Railroad Company; or to do any or all of said acts.

May merge.

Action necessary
before lease, etc.,
shall take effect.

2. No lease, consolidation or merger shall take effect under this act until a copy of the contract therefor shall have been filed in the office of the secretary of state, together with an agreement, or agreements, executed by each of said companies and approved by the governor and attorney-general, surrendering to the state all rights of exemption from taxation, and all privileges and advantages arising from any alleged contract establishing any special mode of taxation in respect to said companies, and agreeing further that such lease shall not in any wise affect or impair the right of the state to take the property of said companies thereto under any existing law of the state, and that any

law affecting such companies shall be subject to alteration or repeal by the legislature.

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

4. This act shall take effect immediately.

Approved March 17, 1899.

CHAPTER 47.

An Act providing for the construction and maintenance of public docks, wharves, piers and bulkheads by cities.

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

1. The board having charge and control of public docks and wharves in any city of this state is hereby authorized to improve any water-front property owned by said city on any navigable river or bay, by the construction of one or more public docks, wharves, piers or bulkheads thereon and in front thereof, within the limits established by the riparian commissioners, and also to grade, pave and otherwise improve the approaches thereto on the land of the city; *provided, however*, that all contracts for such work shall be subject to the concurrence of the board having charge and control of the finances of such city. Authorizing improvement of water-front.

Proviso.

2. In order to provide funds for the improvement aforesaid the board having charge and control of the finances of such city is hereby authorized to issue the bonds of said city in an amount not exceeding one and one quarter mills for each dollar on real and personal property therein, as assessed for municipal and county purposes in the year next preceding the issue of such bonds; said bonds shall run for not exceeding twenty years, and bear interest at not exceeding four per centum per annum, payable half yearly; they shall be in such form and of such denomination as said financial board shall determine; they shall be sold at public sale for not less than par and accrued interest. Funds provided by issue of bonds.

3. It shall be the duty of the board in such city having charge of the public docks therein to prescribe such rates of Charges for use of docks.

Application of
revenue.

wharfage, demurrage and storage for vessels and other craft using such docks, piers and bulkheads as they may determine, and to appoint an agent to collect the same; the revenue derived therefrom shall be applied as follows:

Proviso

(a) To the maintenance and protection of such docks, wharves, piers and bulkheads and approaches thereto;

(b) To the payment of the interest on said bonds;

(c) To the payment of the principal sum accruing on said bonds, and the purchase of same before maturity;

(d) To the general expenses of said city after the payment in full of said bonds; *provided, however*, that any deficiency remaining for the payment of the principal and interest of said bonds, after the application of the revenues aforesaid, shall be levied and raised in said city by taxation from year to year.

4. This act shall take effect immediately.

Approved March 17, 1899.

CHAPTER 48.

An Act relative to deposits of securities by fraternal beneficiary societies, orders or associations.

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

Beneficial associations may deposit securities with commissioner of banking and insurance.

1. Any fraternal beneficiary society, order or association (hereinafter termed the "association") of this or any other state or foreign country, and lawfully doing business in this state may, in its discretion, through its officers, directors or trustees, deposit with the commissioner of banking and insurance securities of the character in which the funds of life insurance companies of this state may by law be invested, and for such amounts as the association may determine; such securities shall be received and held by said commissioner in trust for the exclusive benefit and protection of the members or policy-holders of such association within this state; and so long as such association shall continue solvent and comply with the requirements of the laws of this state applicable to such association, it shall have the right to col-

lect the interest, dividends and profits upon such securities, and from time to time to withdraw said securities or portions thereof, upon substituting other securities of the kind permitted by this act, the par value of which shall be equal to the par value of such as may be withdrawn.

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

3. This act shall take effect immediately.

Approved March 17, 1899.

CHAPTER 49.

An Act to protect the natural oyster-seed grounds of this state.

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

1. It shall not be lawful for any person or persons, under pretense of taking oysters, or under any other pretense whatever, to remove or carry off from any natural oyster-seed grounds in this state any shells other than such as cannot be removed or separated from the oysters without injuring the same; and all such shells shall be culled and separated from the oysters and thrown back again upon the said natural oyster-seed grounds; and any person or persons offending against the provision of this act shall be deemed guilty of a misdemeanor and punishable, after conviction, by a fine of fifty dollars for each and every offense, or imprisonment in any county jail for a period of three months, or both, at the discretion of the court; and the fine, when so recovered, one-half to go to the complainant, and one-half to the treasurer of the state for the use of the state; *provided*, that the provision of this section shall not apply to Delaware bay and Maurice cove and the tributaries thereto. Unlawful to remove seed-oysters.
Penalty.
Proviso.

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

3. This act shall go into effect immediately.

Approved March 17, 1899.

CHAPTER 50.

A Supplement to an act entitled "An act to authorize the corporate authorities of cities and towns to drain meadow and swamp lands lying within their corporate limits," approved April twenty-first, one thousand eight hundred and seventy-six.

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

Section
amended.

1. Section one of the act entitled "An act to authorize the corporate authorities of cities and towns to drain meadow and swamp lands lying within their corporate limits," approved April twenty-first, one thousand eight hundred and seventy-six, be amended so as to read as follows :

Lawful by reso-
lution to make
contract for
drainage of
swamps.

1. It shall be lawful for the municipal body or board having control of the construction of sewers and drains in any city or town in this state having within its corporate limits swamp or meadow lands, by resolution duly passed pursuant to the laws governing such city or town, and approved by the mayor or other chief executive officer of such city or town, to enter into a contract with any person or corporation for the drainage of such swamp or meadow lands, by the construction of tide banks, dykes, dams, drains, sluices, sewers, basins or other works or means necessary or useful, and such contract may provide that the contractor shall repair, rebuild, maintain and operate the tidewater banks, dykes, dams, drains, sluices, sewers, basins, pumping and other works and appurtenances built and constructed for the drainage, or system of drainage, of such swamp or meadow lands, for a term of ten years, and for the renewal of such part of the said contract at the expiration thereof ; *provided*, before the making and entering into any such contract, the municipal body or board aforesaid shall first cause an advertisement to be published for the space of twenty days in at least two newspapers published or circulating in such city or town, asking for proposals, plans and estimates

Proviso.

for the work of draining the swamp or meadow lands lying within the corporate limits of such city or town, and for the repair, rebuilding, maintenance and operation of such system of drainage, the same to be generally described in such advertisement; and the contract for the drainage of such lands shall in all cases be awarded to the bidder who, in the judgment of said municipal body or board, offers the terms most advantageous to such city or town, and such body or board may reserve the right to reject all bids or proposals; the bidder or bidders to whom any such contract shall be awarded shall give bond to such city or town, with ample security, for the faithful performance of such contract; *provided*, that such body or board shall not make any contract or perform any work in any such city or town under authority of this act when the approval or concurrence of the board or body having control of the finances therein is required until such approval or concurrence has first been obtained; should it be necessary to effect the drainage of such swamp or meadow lands in any such city or town, the said governing body or board aforesaid is hereby authorized, in its discretion, to purchase such lands, or any part thereof, from the owner or owners at private sale, or if in order to properly accomplish the drainage of such swamp or meadow lands, or any part thereof, lying within the corporate limits of such city or town, it shall be lawful for such city or town to condemn any part or portions of such lands for the purpose of constructing tide banks, dykes, dams, drains, sluices, sewers, basins, pumping stations or other works connected therewith, or for roads or highways connecting the said works, in such case the said corporate authorities of such city or town are hereby fully authorized and empowered to institute and prosecute proceedings for such condemnation, and the method of procedure in such condemnation proceedings shall be the same as provided by the laws of this state empowering such city or town to acquire lands for public use by condemnation.

Contract, to
whom awarded.

Proviso.

Land may be
purchased for
drainage pur-
poses.

Condemnation.

2. Section two of the act to which this is a supplement is hereby amended so as to read as follows:

Section
amended.

2. Immediately upon the completion of the contract work, or of a definite part thereof, the board or body of such municipality making such contract shall, by resolution duly passed according to the laws governing the same, ascertain and declare the whole amount of the costs, damages and

Application to
circuit court for
appointment of
commissioners
to make assess-
ment of benefits.

Duties of commissioners.

Report.

Hearing.

Court to confirm or refer, or appoint new commissioners, or alter.

expenses of the work of draining or system of drainage so constructed, of such swamp or meadow lands, as provided for in such contract, and they shall, without delay, apply to the circuit court of the county in which such city or town is situate for the appointment of three disinterested commissioners to make a just and equitable assessment thereof upon all the owners of lands and real estate peculiarly benefited by such improvement, in proportion as nearly as may be to the advantage each shall be deemed to acquire; the said circuit court, on the making of such application, in writing, on behalf of such municipality, and after notice of the time and place of making such application, published at least ten days previous thereto in some newspaper circulating in such city or town, shall appoint three disinterested commissioners to make an estimate and assessment upon all the owners of lands and real estate peculiarly benefited by said improvements; in case of the death, resignation, refusal to serve or disability of any commissioner so appointed, the vacancy shall be filled by said court as soon as may be; the said commissioners, after having taken and subscribed an oath or affirmation before a master in chancery of this state to make the assessment fairly and impartially according to the best of their skill and judgment, shall at once proceed to perform the duties hereby conferred upon them, and they shall, within ninety days, unless the court shall, before or after its expiration, extend the time, make a just and equitable assessment of the costs, damages and expenses ascertained by said municipal body or board as aforesaid upon the owners of lands and real estate peculiarly benefited by the said improvements, in proportion as nearly as may be to the advantage each shall be deemed to acquire; in case the said costs, damages and expenses shall exceed the amount of said benefits, then the excess shall be assessed upon and paid by the city or town making such improvements; the said commissioners shall make a report in writing of their assessment, signed by them or by any two of them, to said circuit court, and upon the coming in of such report the said court shall cause such notice to be given by advertisement or otherwise, as it shall direct, of the time and place of hearing any objection that may be made to such assessment, and after hearing any matter which may be alleged against the same, it shall by rule or order either confirm the said report or refer the same to the same commissioners for revision or

correction, or to new commissioners to be appointed by it, or it may itself, upon a hearing had before it, modify or alter such report and any assessment made therein in such manner as to it may seem just; and the said commissioners to whom the said report may be so referred shall return the same corrected and revised, or make a new report, and the same, on being so returned, shall be confirmed or again referred, or it may be modified or altered by said court as aforesaid, and so from time to time until a report shall be made or returned, which the said court shall, with or without alteration, confirm; and such report, when so confirmed, shall be final and conclusive, as well upon such city or town as upon the owner of any land affected thereby, and the said court shall cause a certified copy of said report to be transmitted to the city or town clerk of the city or town interested in the same, together with a certified copy of the rule of said court confirming the same; the said court shall settle and determine the compensation to be paid to said commissioners, and the costs and expenses of the application, report and proceedings, all of which shall be paid by such city or town; no mistake in naming or omitting to name the owner of lands or real estate in any report, map or proceeding or in designating the quantity of his or her interest or the nature of his or her estate or any misrecitals, shall in anywise invalidate any assessments made under this act or any sales thereafter made in connection with such assessments by such city or town; the assessments for benefits made as herein authorized shall be a lien upon the lots or parcels of land respectively assessed from the date of the confirmation or ratification of the report thereof, and shall become due and payable to the proper financial officer of such city or town thirty days after confirmation by the court, and all subsequent proceedings for the collection of such assessments, including the advertisement and sale of the lands assessed, and all subsequent proceedings thereon shall be conducted as nearly as may be in accordance with the laws governing like matters in such city or town; in case there shall be in any such city or town a "board of assessments" or "commissioners of assessments," entrusted by law with the duty of assessing damages and benefits generally in respect of local improvements as may be authorized by law, it shall be lawful for the municipal authorities of such city or town to refer all assessments for benefits

New report.

Confirmed
report final.

Compensation.

Certain errors
not to invalidate.Assessments a
lienMethod of col-
lection.If "board of
assessment."

Annual cost of
operation.

Section
amended.

Provision for
meeting ex-
penses.

authorized by this act to such board or commissioners, who shall make said assessments in the manner and according to the principles prescribed by this act; such board or commissioners shall proceed as nearly as may be as in other cases of assessments, and, being once sworn to make all assessments fairly and impartially according to the best of their skill and judgment, need not be sworn again; the annual cost and expense of the operation and maintenance of the drainage or system of drainage of such swamp or meadow lands as aforesaid shall be assessed by commissioners of assessments or other persons authorized and empowered to perform those duties in any town or city upon the lands so drained and upon the lands of said city or town according to the special benefit received by said lands, together with three per centum additional for the costs and expense of making such annual assessment and collecting the same.

3. Section seven of the act to which this is a supplement is hereby amended so as to read as follows :

7. For the purpose of carrying out the provisions of such contract and defraying the costs, damages and expenses of the building and construction of the works and the reclamation of the lands authorized by this act, in respect to which an assessment for benefits may be made on the lands and real estate especially benefited by such improvements, the governing body or board having charge of the finances of any municipality to which this act applies, may, if necessary, borrow money and secure the payment of the same by notes and other temporary obligations of such municipality; these notes and obligations may be renewed from time to time until the work of such improvements be done or the assessments for benefits confirmed; if a sum equal to or greater than the amount assessed for benefits has already been borrowed by such municipality at the time when such improvements are completed or assessments for benefits confirmed, and the payment of the sum so borrowed has been secured by notes or other temporary obligations of the municipality, then such notes and obligations, to the amount so assessed for such benefits, may be renewed from time to time as far as necessary for a period of five years longer, and all moneys paid in on such assessments during that period shall be exclusively devoted to the payment of and shall be used to pay said notes and obligations as they mature; if the amount so borrowed as aforesaid be less than the amount

assessed, the said governing body or board of such municipality may, if necessary, borrow and issue its temporary obligations for such additional sum as, with the amount already borrowed, will equal the amount assessed; and the indebtedness of the municipality, in whatever form it may exist, shall, to the amount of the assessment, be paid and discharged out of the moneys paid in on such assessments, so far as they may be paid in during said period of five years; if at the expiration of said period of five years the said indebtedness so equal in amount to the benefits assessed be not paid in full, then such governing body or board, in order to provide for its payment shall issue the bonds of such municipality for the amount remaining unpaid, which bonds may be registered or coupon bonds, payable in such manner as the said municipal board or body may provide; and all assessments received by such municipality after said period of five years shall go into its treasury and be used as the body or board having the control of the finances of such municipality may direct; in order to provide for and pay the amount of the difference between the total amount of the costs, damages and expenses of said works and improvements, including all incidental expense, and the total amount of all assessments made and levied for benefits as aforesaid on the lands and real estate benefited by said improvements, it shall be lawful for the governing body or board having control of the finances of such municipality, by resolution, duly adopted, to cause to be issued the bonds of such municipality in such sum as will be sufficient to pay the difference between the total amount of the costs, damages and expenses of the said improvements, and the total amount of all assessments made and levied for benefits thereof; such bonds may be registered or coupon bonds, and the proceeds thereof, when sold, shall be solely used to discharge the notes or temporary obligations of the municipality issued and made thereby for the said cost and expense of said works and improvements over and above the amount assessed upon lands and real estate benefited thereby; the notes or other obligations of such municipality herein authorized to be issued shall bear interest at a rate not exceeding six per centum per annum, and they shall not be sold for less than par or face value; the said bonds shall be issued in such form and under such regulations and restrictions as the body or board controlling the finances of such municipality shall deem proper, and it

When bonds
may issue.

Proceeds of
bonds, how
applied.

In lieu of bonds
may use funds
not otherwise
appropriated.

Limit of indebt-
edness.

Repealer.

shall be lawful for such municipality to raise, by taxation, in each year, as other moneys are raised in such municipality, such sum of money as may be necessary to pay the interest on the notes and other obligations of the municipality, issued as aforesaid (including, when necessary, interest on such of its obligations as may be payable out of the proceeds of assessments), and also the principal of such bonds, except obligations payable out of assessments, which shall be paid as herein provided; it shall also be lawful for the board or body having control of the finances of such municipality, in lieu of issuing the bonds of such municipality, to pay the costs, damages and expenses of said improvements as herein authorized (other than the amount of the costs, damages and expenses assessed upon the lands and real estate especially benefited thereby) out of any moneys belonging to such municipality and not otherwise appropriated or required thereby; no contract, however, shall be entered into under the provisions of this act if the total net indebtedness of such municipality shall be increased thereby to a sum greater than twelve per centum of the ratables of the previous year.

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

Approved March 20, 1899.

CHAPTER 51.

An Act to amend the act entitled "An act to establish public parks in certain counties in this state, and to regulate the same," approved March fifth, one thousand eight hundred and ninety-five.

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

Section
amended.

1. Section two of the act entitled "An act to establish public parks in certain counties in this state, and to regulate

the same," approved March fifth, one thousand eight hundred and ninety-five, is hereby amended to read as follows:

2. Every such board shall have power to acquire, maintain and make available to the inhabitants of the county wherein it is appointed, and to the public, parks and open spaces for public resort and recreation, and shall have power to locate within the limits of said county such public parks and places, and for these purposes shall have power to take in fee or otherwise, by purchase, gift, devise or eminent domain, lands and rights in lands for public parks and open spaces within said county; deeds of conveyance therefor shall be made to the said board by its corporate name, and it shall be the duty of such board to preserve and care for, lay out and improve any such parks and places, and to make rules for the use and government of the same; such board shall have power also to connect any road, park or public open space with any other park or public open space, and also with any city or municipality of the said county by a suitable roadway or boulevard, and for such purpose shall have power to exercise any of the rights and powers granted by this act in the manner herein prescribed, and also to take or acquire in fee or otherwise, in the corporate name of the said board for the benefit of the said county, by purchase, gift, devise or eminent domain, any lands or rights in land, and easements or interests in lands within the said county, although the lands so taken, or any part thereof, be already a street or way, and to construct and maintain along, across and upon and over the same, or any other land acquired by the said board under this act, roadways, parkways or boulevards, and to grade and improve the same, to regulate the width thereon of sidewalks, roadways, service ways, bridle paths, bicycle paths or roads, to plant within the same trees and shrubbery, to construct such sidewalks, roadways, service ways, bridle paths, bicycle paths or roads, to pave the same, or any part thereof, in such manner and of such material as said board may deem advisable, which said grading, construction and improvement may proceed simultaneously, or from time to time, and in and upon such parts or sections of said parkways or boulevards, as may be determined and prescribed by said board from time to time; such board also shall have power and authority to determine and to prescribe in the case of any new parkway or boulevard laid out and opened by such board, the lines for the frontage of any and all

Power to maintain parks, and acquire land for same.

Duty of board.

May connect with other parks or public roads.

Build and maintain roads, etc.

Proviso.	buildings to be located on the lands fronting on such new parkway or boulevard; <i>provided, however</i> , that the concurrence of the common council or other body having authority over highways shall be necessary to take or appropriate any portion of an existing street or road.
Section amended.	2. Section eleven of the said act to which this act is an amendment is hereby repealed, and section eleven of said act shall be and shall read as follows:
Notice of intention of applying to court for commissioners to determine benefits from improvements.	11. Whenever said board shall determine to make any improvement of any part or section or of the whole of a parkway or boulevard theretofore laid out or opened by said board, which improvement may consist in grading, or in any manner of paving or surface construction or in planting with trees or shrubbery, or in any one or more, or in all of the items of construction or improvement which are or may be authorized by law, the said board shall give notice by publication, at least ten days in one or more of the newspapers circulating in the county wherein the lands to be condemned are situate, of its intention to apply to the circuit court of the said county for the appointment of three disinterested commissioners to ascertain, fix and determine the amount of the special benefits which the improvement determined upon and specified or described in such notice will confer upon any property benefited thereby; and at the time and place specified in such notice the said court shall appoint three disinterested freeholders, resident in said county, to make a just and true estimate and appraisement of the special or peculiar benefits which the said improvement may confer upon any property benefited thereby in proportion, as nearly as may be, to the benefit which each property may be deemed to acquire; and the said commissioners, when so appointed, shall forthwith take and subscribe an oath or affirmation faithfully and impartially to perform the duties imposed upon them by law, and such oath or affirmation shall be filed in the office of the clerk of said county; and the said commissioners shall fix a time and place when they will hear the persons interested in the property and in the benefits to be conferred by the proposed improvement, of which time and place public notice shall be given by the said commissioners, for at least ten days prior to the day of meeting, in two or more of the newspapers published and circulated in the said county; and after having viewed the premises and heard the parties interested, the said commissioners shall proceed to
Duties of commissioners.	

ascertain and determine the amount of special or peculiar benefits conferred upon the owners of property benefited by the said opening or improvement, in proportion, as nearly as may be, to the benefits which each owner shall be deemed to acquire, and to make report of their assessments to said court; and upon the coming in of any such report, signed by the said commissioners, or any two of them, the said court shall cause such notice to be given, as it shall direct, of the time and place of hearing any objections that may be made to such assessment; and after hearing any matter which may be alleged against the same the said court shall, by rule or order, either confirm the said report or refer the same to the same commissioners for revision and correction; and the said commissioners shall return the same, when referred to them again, corrected and revised, or make new report thereof to the said court without unnecessary delay; and the same, on being so returned, shall be confirmed or again referred by the said court in manner aforesaid, as right and justice may require, and so from time to time until a report shall be made or returned in the premises, which the said court shall confirm; and such report, when so confirmed, shall be final and conclusive as well upon the said board of commissioners as upon the owners of any land and real estate or rights therein affected thereby, and the said court shall thereupon cause said report so confirmed to be filed in the office of the clerk of said county, there to remain of record; and the said court shall have power and authority to make such rules for the regulation of the practice and procedure under this act as shall be deemed expedient and consistent with its provisions; the said court shall, upon application made by the said board or on its behalf, fix and determine the compensation to be paid the commissioners so appointed, and allow any other expense necessarily incurred in making any such assessment, all which shall be paid by the said board of park commissioners; *provided, however*, that the cost and expense of making any assessment for benefits, including the fees of commissioners, may be included in making up the entire cost for the purpose of such assessment.

Make report.

Duty of court upon hearing report.

Confirmed report final.

Proviso.

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

Repealer.

Approved March 20, 1899.

CHAPTER 52.

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

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

Population and government.

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

Mayor; term of office, when to commence.

2. The term of office of any mayor hereafter elected in any such city shall be two years, and that his term of office and that of all other elective officers herein provided for shall commence on the third Tuesday in April next ensuing their election, and the term of all appointive officers herein provided for shall commence ten days after their appointment.

Duties, powers and compensation of mayor.

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

Head of police department.

4. The mayor shall be the head of the police department, and shall have exclusive power to appoint, suspend and remove all policemen and all subordinates in such department; he shall also appoint a chief of police and such captains or sergeants of police as may be required by ordinance; these appointments, however, of chief of police, captains and sergeants of police shall not take effect until confirmed by the common council; he shall see that all such officers are prompt and faithful in the discharge of their

duties, and shall from time to time take such measures as he may deem necessary for the preservation of peace and good order and the enforcement of the laws and ordinances of the city.

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

Separate school district.

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

Divided into wards.

7. The common council of any such city shall be composed of three members from each ward, when said city is divided into two wards, who shall be elected for and hold office as follows; one in each ward at the first election, for a term of one year, one for a term of two years, and one for a term of three years; and thereafter one shall be elected annually in each ward for a term of three years; when such city is divided into more than two wards the common council shall be composed of but one member from each ward, who shall be elected for and hold office as follows: one half the members, when the membership is even, and the minority when it is odd, shall hold office for a term of two years, and the others for a term of three years, the length of term of the respective members to be determined by lot immediately after the organization of the common council on the third Tuesday of April next after the election, and thereafter one half of said board, or the majority thereof, as the case may be, shall be elected for a term of three years; there shall also be elected at such annual election, to be held on the second Tuesday in April, in every such city, one councilman-at-large, who shall hold

Council; how composed.

Elective officers.

office for the term of two years, a city clerk, a person to be collector of taxes, and one overseer of the poor, who shall hold their respective offices for the term of three years; one assessor from each of the respective wards, who shall hold their respective offices for the term of three years; when such city is divided into two wards, one chosen freeholder from each ward, who shall hold office for a term of three years, and three commissioners of appeal in cases of taxation, who shall hold their office for one year; (when such city is divided into more than two wards, two freeholders shall be elected from such city at large, who shall hold office for a term of three years; one commissioner of appeal in cases of taxation from each ward, who shall hold office for a term of one year), and such justices of the peace, constables and other city and ward officers as are now or hereafter may be provided by law; at the annual meeting of the common council a city treasurer shall be appointed by the said common council, who shall hold office for a term of three years.

Term of office
indicated on
ballot.

Failure to
qualify to render
office vacant

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

Council may
fill certain
vacancies.

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

annual election or appointed at the regular time ; *provided*, that all resignations shall be sent to the mayor, and he shall report the same to the common council at its next meeting thereafter. Proviso.

10. Every person elected or appointed to any office in pursuance of this act, or of any law or ordinance of the common council, including the city solicitor, who shall be appointed for a term not exceeding three years, shall, before they enter upon the duties of such office, take and subscribe, before the mayor or city clerk, an oath or affirmation faithfully and impartially to execute the duties of his office to the best of his knowledge, skill and ability, and such other oaths as may be required by the laws of this state ; all such oaths or affirmations shall be filed by the city clerk in his office ; the city treasurer, superintendent of schools, collector of taxes, constables, overseer of the poor, and such other officers as the common council may require, shall also, before entering upon their duties, each give bond to the city, in its corporate name, in such sum, and with such sureties as the common council may approve, or as may be required by any act of the legislature of this state, conditioned for the faithful performance of the duties of their respective offices ; and if at any time the common council shall deem the sureties of any such officer insufficient they shall require him to give additional security. Qualification of officers.

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

POWERS AND DUTIES OF THE COMMON COUNCIL.

12. The common council shall annually elect a president from its own body, and, in his absence, a president pro tempore, choose officers, appoint its time and place of meeting, Removal from office.

Proviso.

Officers of council, its rules, etc.

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

Clerk, and his duties.

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

Quorum.

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

Ordinances; passage and repeal.

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

Proviso.

Mayor to approve or veto.

objections within the time specified above, it shall take effect as if approved by him ; whenever any ordinance or resolution shall have been returned with objections aforesaid to the common council, the said common council shall, at its first meeting thereafter, order the objections to be entered at length on its journal, and shall proceed to reconsider the same, and if, on reconsideration, it shall pass the common council by a vote of two-thirds of all the members, it shall take effect notwithstanding such objections ; in all such cases the votes shall be taken by ayes and nays and entered in full on the journal of said common council ; the publication of all ordinances as herein required shall in all cases be presumed to have been made until the contrary shall be proved ; the publication of private ordinances shall in all cases be procured to be done and the expenses thereof borne by the person benefited thereby or applying therefor.

Ordinances
reconsidered.

Publication of
ordinances.

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

Enacting clause.

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

Council, how
constituted.

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

Powers of
council.

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

Finances.

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

Preserve order.

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

Prevent gaming.

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

License public
places.

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

Entertainments.

animals, theatrical exhibitions, circuses or other public performances, amusements and exhibitions for money, and to fix the sum to be paid for such licenses to the city;

Boundaries.

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

Highways.

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

Streets and
sewers.

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

Grading.

IX. To direct the digging down, draining, filling up or fencing of lots, pieces or parcels of ground in said city which

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

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

Encroachments
on highways.

XI. To prevent and punish horse-racing and immoderate riding or driving in any street, highway or public place, and to authorize the stopping and detaining of any person who shall be guilty of immoderate driving or riding in any street, highway or public place, and to regulate the speed and running of motor, electric or other cars through said city;

Use of highways.

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

Cattle.

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

Public grounds.

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

Light.

XV. To make and regulate wells, pumps, aqueducts and cisterns in the public streets;

Water.

XVI. To establish and regulate one or more pounds, and to restrain and regulate the running at large of horses, cattle, swine and other animals, geese and other poultry, and to authorize the impounding and sale of the same for the penalty incurred and the costs of keeping and impounding and sale;

Pounds.

XVII. To regulate and prevent the running at large of dogs; to authorize the destruction of dogs running at large, and to impose taxes on the owners of dogs;

Dogs.

Slaughter-houses and markets.

XVIII. To locate, regulate and remove slaughter-houses, establish and regulate public markets, license and regulate butchers, designate the places and manner of selling meats, fish, fruits and vegetables, and to prohibit persons from selling such articles without license; to provide for the removal and disposition of offal, garbage and all refuse matter which may become dangerous to the public health, and to authorize and empower the local board of health, established or to be established in such city, to make removal and disposition thereof, or to provide therefor; and in case such boards are given such power and authority, they are hereby authorized to accept the same, and given power to remove and dispose of all such refuse matter;

Vending.

XIX. To prescribe and regulate the places of vending or exposing for sale wood, hay, straw and other articles from wagons or other vehicles;

Annoyances.

XX. To regulate or prohibit any practice having a tendency to frighten animals or to annoy persons passing in the streets or on the sidewalks in such city;

Beggars.

XXI. To restrain and punish drunkards, vagrants, mendicants and street beggars;

Board of health.

XXII. To establish a board of health, define its powers and duties, and provide for the protection and maintenance of the health of the city;

Contracts.

XXIII. To prescribe the manner in which all contracts for performing work or furnishing materials for the city shall be made and executed;

Nuisances.

XXIV. To abate and remove nuisances of every kind, and to require the owner or occupant of any grocery, cellar, tallowchandler's shop, butcher's stall, soap factory, tannery, stable, privy, hog-pen, sewer or other offensive or unwholesome house or place, lot or enclosure, to cleanse and remove or abate the same, or in a summary manner to cause the same to be done at the expense of the owner or occupant thereof;

Burials.

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

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

License and
regulate public
business.

Proviso.

XXVII. To regulate the ringing of bells and the crying of goods and other commodities for sale at auction or otherwise, and to prevent disturbing noises in the street;

Noise.

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

Bathing

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

Weights and
measures.

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

Police.

XXXI. To establish, regulate and control a fire department; to regulate and define the manner of the appointment

Fire department.

and removal of the officers and members of the fire department, their duties and their compensation; to provide fire engines and other apparatus and engine-houses and other places for keeping and preserving the same, and to provide water for extinguishing fires;

Buildings; their
construction
and use.

XXXII. To regulate and control the manner of building dwelling-houses and other buildings, and to prohibit, within certain limits, to be from time to time prescribed by ordinance, the building or erection of any dwelling house, store, stable or other building of wood or other combustible material; to regulate the construction of chimneys and to compel the sweeping thereof; to prevent the setting up or construction of furnaces, stoves, boilers, ovens or other things in such manner as to be dangerous; to prohibit the deposit of ashes in unsafe places, or in any of the streets or alleys of the city; to authorize any city officer, or person or persons whom they may designate for that purpose, to enter upon and inspect any place or places for the purpose of ascertaining whether the same is or are in a safe condition, and if not, to direct the same to be made so; to regulate or prohibit the carrying on of manufactories dangerous in causing or promoting fires; to regulate or prohibit the manufacture, sale or use of fireworks and the use of firearms in said city; to regulate or prohibit the keeping or conveying gunpowder, camphene, benzine, naphtha, gasoline, coal oil, spirit gas, petroleum and other dangerous materials and the use of candles in barns, stables and other buildings; to raze or demolish any building or erection which by reason of fire, contagion, or any other cause may become dangerous to human life or health, or tend to extend a conflagration; to require all such further or other acts to be done, and to regulate and to prohibit the doing of all such further acts, as they may deem proper to prevent their occurrence and provide for the extinguishment of fires in such city;

Taxes.

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

Prescribe duties
of officers.

XXXIV. To prescribe and define the duty of city and ward officers, when not otherwise prescribed by law, and fix and determine their compensation, and the penalty and penalties for failure to perform their duties, and to prescribe the bonds and securities to be given by the officers of the city for the discharge of their duties, and the time for executing the

same in cases not otherwise provided for by law ; to appoint from time to time such subordinate officers as may be deemed necessary to carry into effect the powers and duties hereby created, or otherwise conferred or imposed ;

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

Compensation
of officers and
employees.

XXXVI. To supply the city and its inhabitants with water, to regulate the laying of water mains through the streets of the city, and to direct their extension throughout the entire city, and to tax all lots on the streets where such pipes are laid in an equitable, lawful and just ratio, for the expense of laying such main in front of such lots, whenever a majority of the owners of lots fronting on any street petition for the laying of such pipe in such street, but in no case shall the tax herein authorized to be laid exceed the cost of providing and laying a four-inch main ; and to prescribe by ordinance the manner in which water-bills shall be credited to the person paying such tax until the whole amount of tax so paid shall be refunded by such credit.

Water supply.

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

Further powers
of council.

20 In all cases where, by the provisions of this act, the common council shall have authority to pass ordinances on any subject, they may prescribe a penalty or penalties for the violation thereof, either by imprisonment in the city or county jail not exceeding thirty days, or by a fine not exceeding two hundred dollars, and imprisonment in the city or county jail not exceeding thirty days in default of the payment of such fine, and it shall be lawful for the common council to authorize and empower the officer before whom

Prescribe
penalties.

any person or persons offending may be tried, on conviction, to impose any fine, in the discretion of such officer, to the maximum fixed in such ordinance, or to imprison for any term less than the term fixed therein; the book of record of the ordinances and by-laws of the common council shall be taken and received as evidence of the due passage by said common council of all ordinances and by-laws recorded therein; *and further*, the volume of ordinances and by-laws printed and published by authority of the common council shall, in like manner, be taken and received as evidence of the ordinances and by-laws of the said common council, and the publication of the said ordinances and by-laws in the public newspaper or newspapers according to law shall, in all cases, be presumed to have been made until the contrary be proved.

Evidence of ordinances.

Erect and maintain public buildings.

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

Work and almshouses.

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

Council may assume authority to license saloons by ordinance.

23. The power and authority to license ale and lager beer saloons and gardens and to grant to persons licenses to keep inns and taverns within such city shall be vested in the common council of such city, in case the common council shall pass an ordinance evincing its intention to assume and exercise this power; every such ordinance shall set forth and prescribe the terms, limitations, regulations and restrictions under which such license shall be granted, and within ten

days after the passage and approval of such ordinance a copy thereof, duly certified by the clerk of such city under its corporate seal, shall be filed in the office of the clerk of the court of common pleas of the county in which such city is situate, and thereafter, and while such ordinance shall remain in force, the common council of such city shall have and exercise the sole power to grant the licenses aforesaid, according to the provisions of such ordinance, and every such ordinance may be altered, amended or repealed at the pleasure of the common council; it shall also be lawful for the common council of such city by ordinance to provide for the establishment within and for such city of a board of excise, pursuant to the provisions of an act entitled "An act to establish an excise department in cities of this state," approved April eighth, one thousand eight hundred and eighty-four, and the supplements thereto and amendments thereof; in case no such action is taken, assuming authority to grant licenses as herein provided, or in case such authority is relinquished by the repeal of ordinances providing therefor, then such power and authority shall be exercised by the board, body or other authority in which it is vested by law; *provided, however*, that no license shall be granted contrary to the provisions of an act of the legislature of this state entitled "An act respecting the granting of licenses to sell spirituous, vinous or malt or brewed liquors in certain places of this state," approved March ninth, one thousand eight hundred and ninety six.

Ordinance must
be filed in court
of common pleas.

May establish
board of excise.

Proviso.

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

24. The mayor shall have the power, and it shall be his duty, to recommend to the common council all such measures connected with the security, health, cleanliness and ornament of the city, and the protection and improvement of its government and finances, as he shall deem expedient; to keep the corporate seal of the city; to cause the laws and ordinances to be duly executed and enforced, and to exercise a supervision over the official acts of the subordinate officers of the city, and to report any dereliction of duty to the common council, and generally to perform all such duties as may be required of him by law or the ordinances of such city;

Power and duty
of mayor.

he may, under the direction of the common council, offer reward for the detection or apprehension of the perpetrator of any offense against the city ordinances, or any high crime or misdemeanor committed within the city, to be paid on the conviction of the criminal.

Power of police
justice; may
summon militia.

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

Appoint special
officers.

Office of mayor
vacant.

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

Powers of cer-
tain officers.

27. The chosen freeholders, commissioners of appeal in cases of taxation, school superintendent, overseer of the poor, constable and city clerk elected or appointed as aforesaid, shall respectively possess the powers and perform the duties of the like officers of any township of this state, so far as such powers and duties shall be consistent with the provisions of this act; and that the collector of taxes shall possess the power and perform the duties of the collectors of the several townships so far as such powers and duties shall be consistent with the provisions of this act.

Collector of
taxes may ap-
point deputies.

28. The collector of taxes shall have power to appoint, with the consent of the common council, one or more deputies, who shall have power to do all and every act or acts which it may be lawful for the said collector to do, and every warrant directed to him may be executed by his deputy or deputies, or either of them, in as full and com-

plete a manner as if executed by the said collector of taxes; and the said deputy or deputies shall give such security for the faithful performance of their respective offices as the common council shall direct.

Security of
deputy.

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

Office, where
kept.

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

Collector's
books.

Make weekly
statement to
treasurer, and
pay over all
moneys.

31. The city treasurer shall receive all moneys belonging to the city, and shall disburse the same as directed by law, and shall keep an account of all receipts and expenditures in such manner as the common council shall direct, and shall perform such other duties appertaining to his office as may be required of him by law, or by any ordinance or resolution of the common council; the said treasurer shall, for the space of two weeks next preceding and one week after the nomination of members of the common council, assessor and collector, publish or cause to be published in one or more newspapers published and circulating in such city, a full and true account of the receipts and expenditures during the portion of the fiscal year then elapsed, and shall, at the close of the fiscal year, make out a true and full account of the receipts and expenditures during the year,

City treasurer;
his duties.

Publish state-
ment.

and also the state of the treasury, and within twenty days thereafter deliver said account to the city clerk, who shall lay the same before the common council at their next meeting; and if upon examination it shall be found correct, it shall be filed in the office of the city clerk; the fiscal year shall commence on the third Tuesday in April in each and every year.

Fiscal year.

City clerk;
his duties.

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

Powers and
obligations of
certain officers.

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

ASSESSMENT AND COLLECTION OF TAXES.

Council to raise
funds, by tax,
for specified
purposes.

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

Lighting.

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

Poor,

II. For the maintenance and support of the poor;

- III. For regulating, cleansing and keeping in repair the streets and highways, and the construction of crosswalks; Streets.
- IV. For regulating, improving and protecting the public grounds and parks; Public grounds.
- V. For the support of public schools, and for erecting and maintaining public school-houses; Schools.
- VI. For the support of the police department, armory purposes, and to support the national guard; Police.
- VII. For the support of the fire department; Fire.
- VIII. For supplying the city with water for the extinguishment of fires, and for domestic and other lawful purposes; Water.
- IX. For the payment of interest upon the city debt, and upon temporary loans, and such part of the principal thereof as may be due and payable, and to provide a sinking fund therefor; Interest and sinking fund.
- X. For providing music for public entertainment; Entertainment.
- XI. For purchasing necessary real estate and providing for a sewerage plant; Real estate.
- XII. For the contingent expenses of the city and for all other objects and purposes authorized by law, to be assessed and collected in such manner as the common council shall, by ordinance, direct; *provided, always*, that it shall not be lawful for the common council to raise by taxation, in any one year, in the general assessments for city purposes, an amount of money that shall cause a greater rate than two hundred cents on one hundred dollars of the valuation of the real and personal property, rated and returned for taxation therein, as shown by the duplicate of assessments for the current year; excepting, however, from such amount the moneys raised therein for state and county taxes and school purposes, and for the principal or interest of any bonded indebtedness. Contingent expenses.
35. The board of assessors shall meet on the second Monday in May in each and every year, and at such meeting they shall select one of their number as chairman, who shall hold his office for one year or during the pleasure of said board of assessors; a majority of said assessors shall constitute a quorum for the transaction of business, and they shall have power to adjourn from time to time and make such rules and regulations for their own proceedings as are not inconsistent with this act and the laws of this state relating thereto. Proviso. Board of assessors.

Powers and
duties of board
of assessors.

36. The said board of city assessors shall possess the power of the like officers of any township of this state, and having duly organized shall proceed to make a full and fair valuation, enumeration and assessment of all the real and personal property in such city according to law, and all statements, returns and assessments shall be as of the twentieth day of May of each year, the day on which the assessment is to commence; the assessors shall tabulate and arrange such valuation, enumeration and assessments in lists which shall also exhibit in alphabetical order the names of all persons, firms, corporations or companies liable to be assessed to pay any tax, designating the lands, tenements and real estate as laid down on the maps prepared, or to be prepared for that purpose, or on the city atlas, and to affix to each lot and each subdivision thereof, as the same stand recorded on said atlas, distinguishing the same by their mark, or numbers, the true value of each lot or subdivisions together with their value, enumeration and assessments, of the objects liable to taxation for which such persons, firms, corporations or companies are liable at the time of making these valuations, enumerations and assessments; the assessors shall also make out lists showing the name and residence of each male inhabitant of such city of the age of twenty-one years and upwards, upon whom they shall assess such poll-tax as required by law, or by any ordinance of the common council passed in conformity with any statute in force at the date of the passage of this act; that when the board of assessors of such city shall have made the valuation of personal property and real estate and the improvements thereon, they shall give one week's notice, published in one or more newspapers published and circulating in such city, setting forth the time or times and place when and where they will attend to hear and consider all complaints touching such valuation, under such rules and regulations as they may prescribe, and to increase, reduce, alter or modify such valuation as to them may appear just and equitable, after hearing such complaints, and making such changes as they may deem proper; the time within which such revision shall be made shall in no case be later than the second Monday in August in each year.

Attend sessions
of county board
of assessors.

37. The said board of assessors, or such of their number as they may designate for that purpose, shall attend all meetings of the county board of assessors, which shall be

convened according to law, and in the proceedings of said county board of assessors shall be entitled to as many votes as there are wards in the city they represent, which votes shall be cast as said city assessors, or a majority of them, shall direct.

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

City atlas.

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

City engineer;
his duties.

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

Further duties
of board of
assessors.

41. The assessors of such city shall so arrange their duplicates as to specify as nearly as may be therein, by letters and numbers as shown on the city atlas, the several lots or subdivisions of lots assessed, with the valuation thereof, as shown by the register kept by the city engineer or surveyor, to the end that each lot and subdivision, as they appear at the time upon the city atlas, shall be liable for the whole tax assessed

Duplicates;
how prepared.

thereon ; but if any lot shall have been sold and such transfer not entered on such atlas and registered as aforesaid, the person who shall have paid the tax assessed thereon shall have the right to recover from the other parties interested their proportions of said tax, in proportion to the value of the several parts thereof.

All assessments
in same dupli-
cate.

Notification.

Compensation
of assessors
and collectors.

42. The assessors of every such city shall assess in the respective divisions and wards of such city, in one and the same duplicates, all the state, county and city taxes to be levied in such city in each year, and the assessors shall assess the said taxes, and the collector of taxes shall demand payment at such times as the taxes are now payable in the townships of this state, or in case the common council shall fix a different time, at the time so fixed, of the tax or sums assessed on each individual named in the assessment books, in person or by notice left at his or her place of residence, or if not a resident in such city, by notice mailed to his or her last known post-office address, and also give notice of the time and place of meeting of the commissioners of appeal; and the said assessors and collector of taxes shall, for performing the duties required of them by law and the city ordinances, be entitled to receive such compensation as the common council may, by ordinance, direct, in lieu of such fees as are now provided by law.

PUBLIC SCHOOLS.

Board of
education.

City superin-
tendent.

43. The board of education shall be a body politic in fact and in law; they and their successors forever shall and may have perpetual succession and shall be persons in law capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended in any court of law or equity; and that they and their successors may have a common seal and alter the same at their pleasure; that the said board of education shall annually elect a president from its own body, and in his absence, a president pro tempore, appoint its time and place of meeting and determine the rules of its own proceedings; and such board of education shall have power to choose a city superintendent, define his duties and fix his compensation, not to exceed one thousand dollars per annum, and his term of office, not exceeding two years; it shall also appoint

a secretary, who shall keep a journal of its proceedings and perform such other duties as the board may prescribe; a majority of the whole number of members shall constitute a quorum for the transaction of business, and no resolution or order shall be adopted without the concurrence of a majority of the whole number of said members; the president of the board shall have the power to call special meetings whenever he shall deem it expedient.

Secretary.

Quorum.

Special meetings.

Submit estimate.

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

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

Duties of board of education.

admission of pupils, the investigation and inspection of the school, and the government and the studies to be pursued therein.

Annual report

46. The said superintendent and board of education, on the first day of July of each year, shall submit a report, embracing the number of schools under their charge, specify their grades, and the number and the names of the teachers, the number of pupils on the roll, and the average attendance in each school, and a full and true account of the expenditures of the board during the year, under the respective heads of repairs of school-houses, salaries of teachers, and officers of the board, school books, school furniture, school libraries, heating and fuel, and incidental expenses, and shall transmit the said annual report to the common council, and a copy thereof to the state superintendent of public schools.

Treasurer to pay over money for school purposes.

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

STREETS, HIGHWAYS, DRAINS, SEWERS AND ASSESSMENTS THEREFOR.

Council may, by ordinance,

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

Lay out, extend and improve streets

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

Accept lands dedicated for highways.

keep up, repair and maintain the same to the same extent that they may be bound to keep up, repair and maintain streets or alleys laid out by other legal proceedings;

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

Construct sewers and drains.

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

Improve streets, and provide for cost thereof.

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

Notice of intention must be given.

50. Whenever any ordinance shall be passed by the common council for making any improvement or performing any work under and by virtue of the provisions of this act, all further acts and proceedings which it may be neces-

Further proceedings for improvements may be by resolution.

sary for the said common council to take to carry out said improvement or work to completion, and all orders relating thereto, may be by resolution and not by ordinance.

Lands for public
purposes; how
acquired.

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

Proceedings
in case of
disagreements.

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

such assessment such lots or subdivisions of lots, designating the lots and subdivisions of land so benefited by the letters and numbers by which they are distinguished on the city atlas, together with the name of the respective owner or owners thereof, and the amount assessed on each lot, which said assessment shall be embraced in the report of the said board of assessors hereinafter directed to be made, and in case where the common council shall agree with the owners or the owners of such lands, as to the compensation therefor, the board of city assessors shall make their estimate for damages in accordance therewith.

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

Damages; how ascertained.

Report filed.

Proviso.

54. After the filing of any such report, the same, at the next meeting of the common council, shall be presented by the city clerk; *provided*, said report shall have remained on file in the clerk's office for at least ten days prior to said meeting, and if said report shall not have remained on file ten days next preceding said meeting, then and in that case the said report shall be presented at the first meeting of the council after said report shall have been on file ten days, and the same being ratified by the common council, shall be

Report presented.

Proviso.

binding and conclusive upon the owner or owners of any such land and real estate, and the lands condemned for any such improvement shall thereupon be and become the property of the city for the purposes for which the same are condemned; *provided, however*, that any person or persons conceiving himself, herself or themselves aggrieved by the proceedings of the said common council or of the said board of assessors in making an estimate and assessment of the damages, may appeal therefrom to the supreme court of this state within thirty days after the time of the making of the final order of the common council confirming said report; and the supreme court, or a justice thereof, shall order a trial by jury to assess the damages sustained by the party aggrieved, the trial whereof shall be conducted as in other cases of trial by jury; and the said court or justice thereof shall have power to order an issue framed and proper proceedings to be had for this purpose.

Proviso.

Non-payment
of damages.

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

Proviso.

Treasurer to pay
damages as
directed.

56. The city treasurer shall, under the direction of the common council, tender and pay to the owner or owners of such land and real estate, if resident in the city, the amount of such estimate and assessment of damages due to him or them, and if such owner is not resident in the city, or upon due inquiry cannot be found therein, or is a lunatic or

under age, or if for any other lawful cause is incapacitated to receive the same, or if such owner will not receive the same, and sign a proper voucher therefor when tendered, then the said treasurer shall make affidavit of such facts and file the same with the city clerk; and the common council shall thereupon direct the amount of such assessments so due as aforesaid to be placed in the city treasury for the use of the person or persons to whom it may be due; and the said moneys so placed in the city treasury shall be paid by such city to the person or persons entitled thereto on demand, but without interest, except from the time demand is made and payment refused.

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

Assessment
for benefits;
notice given.

Report may be
returned for
reconsideration.

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

Ratified report
transmitted to
collector.

Notice of assess-
ment published.

Assessment
draws interest.

59. It shall be the duty of the collector of taxes to whom any such assessments shall have been returned, in addition to

Collector to
notify each per-
son assessed.

Property may be
sold for unpaid
assessments.

Proviso.

the publication of the return thereof to him for collection, as herein provided, as far as practicable, to cause a notice to be given to each person assessed of the amount of the assessment so made against him or her, with the costs which have been incurred in the collection of the same, and the interest which has accrued thereon; but if, for any reason, such notice is not given to or received by the person or persons assessed, it shall in no way impair the right of the city to collect the assessment so made; in all cases in which the assessments so made and returned shall remain unpaid for the space of six months from the date of confirmation, it shall be lawful to collect the same by a sale of the property assessed, and it shall be the duty of the said collector, within one year from the date any such assessment shall have been returned to him, to make sale thereof as herein directed; he shall, before making such sale, make advertisement thereof in one of the newspapers published in such city, for the space of four weeks, at least once each week, giving notice of the time and place of sale, together with a description of the lot or tract of land assessed by the letter or number by which it is designated on the city atlas, and specifying the amount of money so assessed, laid out and expended on the same; and he shall, at the time and place so designated, sell the said land and real estate at public sale for the shortest term of years at which any person will agree to take the same, not exceeding fifty years, and pay the assessment, with interest thereon, and all other expenses incurred subsequent to the confirmation thereof; and thereupon the mayor and city clerk of such city, at the request of common council and under its corporate seal, shall make, execute and deliver a declaration of sale to the purchaser thereof, and such purchaser, his executors, administrators or assigns, by virtue thereof, and under the authority of this act, shall lawfully hold and enjoy the said lands and real estate, for his and their own proper use, until said term shall be fully completed; and they shall be at liberty to remove therefrom all buildings and improvements they shall erect or place thereon during the said term, and every such purchaser, his heirs and assigns, shall pay all taxes which shall be lawfully assessed against the said land and real estate during the said term; *provided, however*, that if the owner of any such land and real estate, or any person having an estate therein, or any mortgagee thereof, shall, within three months after written

notice of such sale shall have been served upon him or them by the purchaser, personally or by registered letter, pay to the purchaser, his executors, administrators or assigns, the amount of money so paid by him to such city and all taxes paid by such purchaser, with interest at the rate of twelve per centum per annum, such owner or persons having an estate therein or mortgagee, as the case may be, shall be entitled to re-enter and re-possess the said lands and real estate and hold the same, and have such rights therein as if the said sale had not been made; *provided, however*, if such owner or mortgagee shall not redeem said lands and real estate within three months from the date of such service of notice as aforesaid, the estate of the purchaser shall become absolute for the term for which the said lands or real estate were purchased.

Proviso.

60. It shall be lawful for the common council in every such case to cause so much of the cost, damage and expense of any public improvement authorized by and made under the authority of this act, as represents the special and peculiar benefit conferred upon the owners of land and real estates benefited thereby, to be assessed thereon, in the manner herein provided, in proportion to the benefit each shall be deemed to acquire, the balance of such cost, damage and expense to be imposed upon and borne by the city and provided for by general taxation, or the said common council may, at its option, provide that the entire expense of any such improvement shall be borne by the city at large, and shall have power, within the limitations herein imposed, to provide therefor by taxation.

Assessments on property benefited.

May be borne by the city at large.

61. It shall be the duty of the common council to establish by ordinance the grades of the several streets and alleys which now are or may hereafter be opened in such city, and it shall not be lawful, after the same shall have been established, to alter the grade of any street or alley except by ordinance, nor shall any such ordinance be passed until the common council shall have caused a notice of such contemplated alteration to be served upon the owners of lots fronting or bordering upon that part of said street or alley the grade of which is proposed to be altered, or to be published for two weeks in one or more newspapers published and circulating in such city, which notice shall state the time when the common council will proceed to consider said matter, which time shall not be less than two weeks from the time

To establish grades.

Intention to alter established grades must be given.

Persons interested may appear.

Changes made necessary by altering grade to be borne by property affected.

Provide for use of sewers.

Assessments upon lot owners as recorded on city atlas.

of serving or first publication of said notice; at the time said matter shall come up for consideration of the common council, all persons interested may appear and be heard by themselves or their counsel for or against the alteration proposed; all changes which said alteration of grade may render necessary in gutters, sidewalks, front fences or other property of any land-owner, shall be made by the common council at the time of altering such grade, and such common council shall have a right to recover of any land owner who was an applicant for such alteration the expense of making such change in his or her gutter, sidewalk, front fences or other property, together with the costs of suit, by an action of debt, in any court of competent jurisdiction, in the name of any such city against such land owner, for so much money laid out and expended by them for the use of such owner, and declare generally and give special matter in evidence.

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

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

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

Re-assessments.

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

Assessments set aside; how renewed.

66. Whenever any public improvements shall be made or ordered to be made and the expenses thereof ordered to be assessed by the board of city assessors, and any member of the board of city assessors shall be interested in said improvements, either as an owner of property to be taken or to be assessed, or in any other way, except merely as a

Assessors interested not to act.

taxpayer in such city, such assessor shall not be deemed competent to assist in making the assessment connected with such improvement, but the common council shall, by a majority vote of all its members, elect some disinterested resident in such city to act with the remaining member or members of the board of assessors in making said assessment; such person, before entering upon his said duties, shall take and subscribe an oath or affirmation before the city clerk, to be filed by him, faithfully and honestly to perform said duties; no report of assessment shall be considered illegal in consequence of the incompetency of any of the persons making such report, if a majority of the persons making such assessment were competent and disinterested; and it shall be lawful for the common council to make such reasonable compensation for the services of any person so appointed to fill such vacancy as it may determine.

Substitute
provided.

Council may
purchase or con-
demn property
for public use.

Method of
procedure.

Proviso.

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

PUBLIC BUILDINGS.

Council to pro-
vide municipal
buildings.

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

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

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

Condemn land;
procedure.

BONDS.

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

Issue bonds.

Proviso.

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

Provision for
meeting bonds.

Sinking fund.

Board of com-
missioners; how
constituted, and
duties.

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

Temporary
loans.

72. It shall be lawful for the common council of such city to make temporary loans for a period not exceeding, with any renewals thereof, two years; which loans shall only be in anticipation of city taxes and of assessments for laying out and opening, straightening, altering or widening any street, road, highway or alley, and for the construction of sewers and drains, and the regulating, grading and paving of streets and sidewalks and for fees imposed for licenses, and shall not exceed ninety per centum of the amount of such anticipated assessments, taxes and license fees; and all such temporary loans shall be retired and paid when the revenues anticipated are received; and it shall be lawful to appropriate and use the moneys so obtained on temporary loans in anticipation of revenue for city purposes, and all

Limitation.

moneys so appropriated and used shall be provided for in the annual tax levy.

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

Record of bonds.

COMPTROLLER.

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

Comptroller.

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

Election; term.

76. The said officer, before entering upon the duties of his office, shall take and subscribe before any officer authorized to administer oaths and affirmations in this state, an oath or affirmation faithfully to execute the duties of his office to the best of his knowledge, skill and ability, which oath or affirmation shall be filed in the office of the city clerk of such city; and he shall give a good and sufficient bond for the faithful performance of the duties of his office in such

Oath, bond,
compensation.

sum as the common council shall direct, which shall be approved by the common council; and he shall receive as compensation for his services such salary as the common council of such city shall prescribe, not exceeding one thousand dollars per annum.

Duties of
comptroller.

77. It shall be the duty of such officer to sign all warrants on the city treasury, to superintend all fiscal concerns of the city in such manner, and to report thereon at such times, as the common council shall by ordinance direct, to keep separate accounts of all appropriations made by the common council to each and every department of the city government, and to require all warrants on the treasury to state particularly against which appropriation the said warrant is drawn; the said officer, on receiving a bill or warrant, shall examine the same, and if it be for any purpose for which there is no appropriation, or the appropriation for which is exhausted, or to which for any other cause he cannot give his approval, he shall report the fact to the city council and the warrant in such case shall not be signed except by special authority from or direction by the common council; he shall upon the death, resignation, removal or expiration of the term of office of an officer or person who, by law, may be authorized to receive or disburse the moneys of such city, for which said comptroller is acting as aforesaid, audit and examine the accounts of such officer or person and report the condition of his business to the common council; he shall first audit the bill containing or making up such claim, with a view to ascertain whether the supplies charged to such city, or the services alleged to have been rendered, have been furnished and rendered as stated, and whether the sum or sums demanded therefor are proper, and, after so auditing, shall return said bills to the officer or department having control of the appropriations against which said claim is made and against which the warrant is to be drawn; he shall, as often as he may deem necessary, or, as the common council may require, suggest plans to the said common council for the improvement, advantage and better management of the finances of such city; he shall have the control of the fiscal concern of all departments and officers of the city, and may require at any time, from any and all of its departments and officers, a full exhibit of their business and a statement and account in writing, of any or all moneys and property of said city within the control or in the hands of said depart-

ment and officers, and the said comptroller shall immediately, in case of any default, delinquency or official misconduct, report the same to the common council; and in order that he may fulfill his duties and make complete audits of the accounts, he shall have power, whenever he shall see fit, to examine all books, papers and vouchers pertaining to any and all departments of the city's business, and shall have free and unrestricted access to them for the purposes aforesaid; and the said officer shall be authorized, whenever in his judgment the interests of the city shall require, to examine, under oath, any person presenting a bill or claim against such city for the payment of moneys; and also to examine witnesses and to investigate, by other evidence and inquiry, all facts relating to such claim which, in his opinion, are necessary to establish the accuracy and good faith of such claim, and to ascertain the city's liability therefor; that it shall be deemed a misdemeanor for such officer to sign any warrant or order, or otherwise procure the payment of any money from the city treasury not authorized by law.

POLICE COURTS.

78. It shall be lawful for the common council of any such city, at its discretion, by ordinance, to establish in and for such city a city police court, which, when so established and constituted, shall be called the "——— police court" (inserting the name of the city), which shall have power, authority and jurisdiction as follows: the said court shall have, possess and exercise all the jurisdiction when so established and constituted, power and authority in civil and criminal matters which are or may be conferred upon justices of the peace in and for the several counties of this state, excepting such as are conferred on such justices of the peace by the following acts: an act entitled "An act constituting courts for the trial of small causes," approved March twenty-seventh, one thousand eight hundred and seventy-four, and the various supplements thereto; an act entitled "An act concerning landlords and tenants," approved March twenty-seventh, one thousand eight hundred and seventy-four, and the various supplements thereto; an act entitled "An act for the relief of creditors against absconding and absent debtors," approved March twenty-seventh, one thousand eight hundred and

Establish police courts.

Power, authority, jurisdiction.

Exceptions.

seventy four, and the various supplements thereto; an act entitled "An act concerning forcible entries and detainers," approved April sixteenth, one thousand eight hundred and forty-six, and the various supplements thereto; and an act entitled "An act to increase the jurisdiction of justices of the peace," approved March twelfth, one thousand eight hundred and seventy-nine, which jurisdiction shall, within the corporate limits of such city, be exclusive of all other courts, judges and magistrates, excepting the courts of oyer and terminer and general jail delivery, quarter sessions and special sessions of the counties of this state, and the judges thereof; and the said court shall have exclusive jurisdiction for the purpose of enforcing and recovering any penalty for the violation of any ordinance, by law or regulation of such city, or any board thereof, and is hereby empowered, on oath or affirmation, made according to law, that any person or persons is, are or may be guilty of any violation of any ordinance or regulation of such city, or any board thereof, to issue process at the suit of said city, either in the nature of a summons or warrant, as to the police justice thereof shall seem most advisable, against the person or persons, corporation or corporations so violating such ordinance or regulation, which process shall, when in the nature of a warrant, be returnable forthwith, and when in the nature of a summons, be returnable in not less than two or more than fifteen days; such process shall state what ordinance or regulation has been violated by the defendant or defendants named therein, and on the return of such process, or at the time to which the matter shall have been adjourned, the said police justice shall proceed to hear testimony and to determine and give judgment in the matter without the filing of any pleading, and such police justice shall, if judgment be rendered for the plaintiff, forthwith issue execution against the goods and chattels or body of the defendant or defendants, which execution shall be executed and returned as near as may be in the manner in which executions are now by law issued and returned in courts for the trial of small causes; such police justice is further empowered to inflict and impose fines (in his discretion), not exceeding the sum of two hundred dollars, on such person as shall be brought before him, charged with disorderly conduct or breach of the peace, if found guilty, or, in his discretion, to order such person committed to the city prison or county jail for any period not exceeding

Exclusive jurisdiction, excepting.

Issue process.

Grant hearing.

Issue execution.

Fines.

thirty days; *provided*, that in all cases where the penalty shall exceed twenty dollars, an appeal may be taken in the same manner as an appeal might be had from judgments in courts for the trial of small causes; and such judge is hereby empowered to cause any person or persons who shall be found guilty of the violation of any ordinance or regulation of such city or any board thereof, and any person or persons found guilty of disorderly conduct, breach of the peace, or any other offense within his jurisdiction, and who may refuse to pay any fine or penalty imposed by him by reason of the same, to be sent to the city prison or county jail for a term not exceeding thirty days, as hereinbefore provided; the said court shall also have jurisdiction to try and determine all cases of simple assault and battery and petty larceny where the offense is committed in the corporate limits of the city in which the court is established; *provided*, that the person or persons charged with any such offense shall, in writing, waive indictment and trial by jury.

Proviso.

May imprison.

Proviso.

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

Keep docket.

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

Council to appoint police justice.

Oath.

Bond.

of the same on demand to the person or persons entitled to receive the same.

Who may serve process.

Process; how returned.

Recognizances.

Default of appearance.

Proof of ordinance.

Police court; when and where held.

81. The officers empowered to serve any process issued by any such police justice shall be, besides the constables elected or appointed in such city, the officers or members of the police force of such city, and such process shall be returned in the same manner, as far as circumstances shall permit, as similar processes shall be out of the courts for the trial of small causes, or before a justice of the peace; and that such defendant or defendants shall, if such police justice see fit to adjourn the hearing of the cause, and so order, enter into recognizance, as near as may be, in the same manner as directed in courts for the trial of small causes or before a justice of the peace, in such sum and with such surety as may be approved by such justice, such recognizance to be given to such city for the appearance of the said defendant or defendants on the day to which the said hearing may be adjourned, and in default of appearance the said recognizance may then be collected in the same manner as it might have been had the said recognizance been taken in a proceeding in a court for the trial of small causes, or before a justice of the peace; if a commitment shall be issued in any case when the defendant is not in custody, it shall be lawful for such defendant to be taken into custody under such commitment in the same manner as under a warrant, and to be delivered to the keeper of the city or county jail as directed by such commitment.

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

83. The common council of such city where a police court is established shall provide a suitable room or rooms for the transaction of the business of such court and procure suitable furniture therefor, and such books and stationery as may be necessary; and such common council shall designate the place in said city where such police justice shall sit for

the transaction of business, and the time during which said court shall be opened on each day, to the end that the administration of justice by such police justice throughout such city may be facilitated and made convenient; and it is hereby made the official duty of such justice to be in attendance at the time and place so designated; and the said common council shall designate and provide the police officer or officers to attend the sittings of such court and preserve order therein.

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

Court of record.

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

All moneys received to be paid to treasurer weekly.

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

When required, make report to council.

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

What laws to remain in force.

and bodies created and officers to be elected or appointed under the authority of this act, having like or corresponding powers or duties.

Application of
this act.

Proviso.

Ballots; how
prepared.

Election

88. The provisions of this act shall apply and be operative in any such city now existing under any special or general law heretofore passed, and in any such city hereafter incorporated wherein the existing municipal government has jurisdiction over and throughout the territory included within its limits; *provided, however*, that its provisions shall not apply to nor be operative in any such city or municipality unless and until the provisions of this act shall have been accepted by such municipality by a majority of the qualified voters thereof, voting thereon, at any special charter or general election to be held therein at any time to be fixed by the common council or other legislative body of such municipality, of which the clerk of such municipality or other equivalent officer shall cause public notice of the time and place of holding the same, to be given by advertisements signed by himself and set up in at least ten public places in such municipality, and published in one or more newspapers printed or circulating therein, at least six days prior to such election; and said clerk shall provide for each elector voting at such election ballots to be printed or written, or partly printed and partly written, on which shall be either the words "for the adoption of the provisions of an act entitled 'An act relating to and providing for the government of cities of this state containing a population of less than twelve thousand inhabitants,'" or, "against the adoption of the provisions of an act entitled 'An act relating to and providing for the government of cities of this state containing a population of less than twelve thousand inhabitants,'" that such election shall be held at the time, place and in the manner and be conducted by the officers of such city as provided by law for the time being concerning and regulating elections therein, except that no special form of ballot or envelope need be used for this purpose, unless the vote be taken at an election at which officers of such municipality shall be voted for, in which case the assent or dissent of such voters may be expressed, as herein provided, upon the ballots for the election of such officers, and it shall be lawful for the voters of such municipality to vote for, and, in the manner hereinafter provided, elect the officers therein to be elected

under the provisions of this act at such election; and the officers holding such election shall make return to the common council or other legislative body of such municipality of the result of such election, by a statement in writing under their hands, and the same shall be entered at length on the minutes of the common council or other governing body, and thereupon and upon such adoption, but not otherwise, this act shall, in all respects, be and become operative in such municipality and upon the inhabitants thereof, and upon all persons and property to be affected thereby, and shall abrogate, repeal and annul all acts and parts of acts existing, whether general or special, and in any wise affecting the government of such municipality, which are contrary to or inconsistent with the provisions of this act; *provided, further*, that, in case any such city shall be composed of territory over which one existing municipal government has not exclusive jurisdiction therein, the provisions of this act shall not apply to nor be operative therein unless and until the same shall have been accepted by such municipality by the majority of the qualified voters thereof, voting thereon at any special, charter or general election to be held therein, at any time to be fixed by the county board of elections of the county wherein the territory comprising such municipality is situated, and upon filing with the county clerk of such county a copy of the act incorporating such municipality, certified under the hand and seal of the secretary of state, it shall be the duty of the said county board of elections therein, upon the application of any legal voter or voters of such municipality, and upon tendering to such board a bond, approved as to form and sufficiency by the presiding judge of the court of common pleas of such county, in the penal sum of five hundred dollars, conditioned for the payment to such board of all expenses incident to the performance of the duties imposed upon said board by the provisions of this act, in case its provisions shall not be accepted by such municipality as herein provided, to proceed at once to divide such municipality into wards; all such wards shall be formed of contiguous territory, and in dividing the same the said board shall have regard to equality of population; the boundary and dividing lines of such wards shall be properly described and a map defining the lines and showing the boundaries of such wards shall be made and filed by the said board in the

Result made known.

Repealer.

Proviso.

Divided into wards by county board of elections.

Boundaries and map.

Wards divided
into election
districts.

Method of hold-
ing election.

Public notice.

office of the clerk of said county, together with a description or statement of such lines, all of which shall be attested or certified by the members of said board under their hands, and shall there remain of record; and it shall be the duty of such county board of elections immediately thereafter to divide the said wards into election districts and to appoint a board of registry and election for each election district with or without nominations by the chairmen of the county committees of the political parties within such county; such division into election districts shall be made as far as practicable in such manner that no one of such districts shall contain more than six hundred voters; each ward shall, however, constitute one election district, but no election district shall be formed from the territory of more than one ward; the said board of county elections shall thereupon proceed at once to fix the time and place or places, and determine the manner of holding the first election within such newly-created municipality, both for the acceptance or rejection of this act, and for the election of officers therein, and shall likewise fix and appoint the time or times, place or places, and the manner of registering the voters for such election; in determining the manner of holding such election and making such registration, the said board shall, so far as is practicable, follow the methods provided by law for the conduct of election of officers in such municipality, and the making of the registration therefor, and if official envelopes and official ballots be thought necessary the same shall be furnished by the said county board of elections, and said board shall in doing so perform the duties imposed by law upon the clerk or other officer furnishing official ballots and envelopes for the election of municipal officers; the said county board of elections shall thereupon cause notice to be given of the boundaries of such election districts as may have been prescribed and defined, the time, place or places and object of such election, and of the time or times, place or places and manner of registering the voters therefor, by posting advertisements thereof, signed by the chairman and secretary or clerk of the board, in five public places within each election district in such municipality, and by publishing the same in at least one newspaper of their selection published in the county and circulating within such municipality, for such period as they shall think necessary; the boards of registry and election so appointed shall

prepare the registry and poll list or poll-lists for such first municipal election from the like lists used in each of the municipalities out of which the new municipality has been created, at the last election held therein, and shall add thereto the names of all other qualified voters who shall be shown by the affidavit in writing of some voter in the election district to reside therein, whose names are not on such old registry or poll-lists; said board or boards shall procure the ballot-boxes and booths or compartments necessary for the holding of such first election, and in the conduct thereof and the estimate and canvass of the votes cast thereat, said board or boards shall in all respects possess the power, and perform the duties imposed by the laws of this state upon like boards for the conduct and holding of elections for municipal officers, except as may be otherwise directed by the said county board of elections, and with the further exception that the statement of the result of such first election, duly certified, shall be filed in the office of the clerk of the county within five days after such election; *and provided further*, that at such election so to be held the question of the acceptance or rejection of this act shall be submitted to the determination of the qualified voters of such municipality voting thereon, and said county board of elections shall, at the same time that notice for the election for officers as herein provided, and in the same manner, give public notice that such submission will be made, and shall provide for each elector voting at such election ballots to be printed or written, or partly printed and partly written, on which shall be the words "for the adoption of the provisions of an act entitled 'An act relating to and providing for the government of cities in this state containing a population of less than twelve thousand inhabitants,'" or "against the adoption of an act entitled 'An act relating to and providing for the government of cities of this state containing a population of less than twelve thousand inhabitants;'" no special form of ballot or envelope need be used for this purpose, unless the question of acceptance or rejection is determined by ballots used for the election of officers, but the assent or dissent of each voter may be expressed upon the ballots used for the election of such officers, and it shall be lawful for the qualified voters of such municipality to accept or reject the provisions of this act and to elect the officers thereof authorized to be elected by its provisions at such election; and the officers holding such

Boards of registry and election.

Proviso.

Returns. election as herein provided shall make return to such county board of elections of the result of such election, both as to the election of officers, and the acceptance or rejection of the provisions of this act, separately, by a statement in writing under their hands, and the same shall be filed by the said board in the office of the clerk of the county in which such municipality is situated, and thereupon and upon such adoption, the officers so voted for therein shall be deemed elected, and this act shall in all respects be and become operative in such municipality and binding upon the inhabitants thereof and upon all persons and property to be affected thereby, and shall abrogate, repeal and annul all acts and parts of acts existing, whether special or general, in any wise affecting the government of such municipality, which are contrary to, or inconsistent with the provisions of this act; in case of the acceptance by such municipality of this act all the expenses of registration and election, and for conducting and holding the same as herein provided, including the compensation of the county board of elections, and boards of registry and election, shall be borne by the municipality in which such election is held.

Repealer.

If accepted, election expenses borne by municipality.

89. This act shall take effect immediately.

Approved March 21, 1899.

CHAPTER 53.

An Act to amend an act entitled "An act relating to and providing for the government of cities of this state containing a population of less than twelve thousand inhabitants," approved March twenty-fourth, one thousand eight hundred and ninety-seven.

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

Section amended.

1. Section two of the act entitled "An act relating to and providing for the government of cities of this state containing a population of less than twelve thousand inhabitants," be and the same is hereby amended so as to read as follows:

2. The term of office of any mayor hereafter elected in any such city shall be two years, and that his term of office and that of all other elective officers herein provided for shall commence on the third Tuesday in April next ensuing their election, and the term of all appointive officers herein provided for shall commence ten days after their appointment.

Term of office,
when to com-
mence.

2. Section six of the said act be and the same is hereby amended so as to read as follows:

Section
amended.

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

Division into
wards.

3. Section seven of the said act be and the same is hereby amended so as to read as follows:

Section
amended.

7. The common council of any such city shall be composed of three members from each ward, when said city is divided into two wards, who shall be elected for and hold office as follows: one in each ward at the first election, for a term of one year, one for a term of two years, and one for a term of three years; and thereafter one shall be elected annually in each ward for a term of three years; when such city is divided into more than two wards the common council shall be composed of but one member from each ward, who shall be elected for and hold office as follows: one-half the members, when the membership is even, and the minority when it is odd, shall hold office for a term of two years, and the others for a term of three years, the length of term of the respective members to be determined by lot immediately after the organization of the common council on the third Tuesday of April next after the election, and thereafter one-half of said board, or the majority thereof, as the case may be, shall be elected for a term of three years; there shall also be elected at such annual election, to be held on the second Tuesday in April, in every such city, one councilman-at-large, who shall hold office for the term of two years; a city clerk, a person to be collector of taxes, and one overseer of the poor, who shall hold their respective offices for the term of three years; one assessor from each of the respective wards, who shall hold their respective offices

Common coun-
cil; how com-
posed.

Elective officers.

for the term of three years; when such city is divided into two wards, one chosen freeholder from each ward, who shall hold office for a term of three years, and three commissioners of appeal in cases of taxation, who shall hold their office for one year; (when such city is divided into more than two wards, two freeholders shall be elected from such city at large, who shall hold office for a term of three years; one commissioner of appeal in cases of taxation from each ward, who shall hold office for a term of one year), and such justices of the peace, constables and other city and ward officers as are now or hereafter may be provided by law; at the annual meeting of the common council a city treasurer shall be appointed by the said common council, who shall hold office for a term of three years.

Section
amended.

4. Section eight of the said act be and the same is hereby amended so as to read as follows:

Term of office
indicated on
ballot.

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

Failure to qualify
to render office
vacant.

Section
amended.

5. Section thirty-four of the said act be and the same is hereby amended so as to read as follows:

ASSESSMENT AND COLLECTION OF TAXES.

Council to raise,
by tax, funds for
specified pur-
poses.

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

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

II. For the maintenance and support of the poor;

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

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

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

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

VII. For the support of the fire department ;

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

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

X. For providing music for public entertainment ;

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

XII. For the contingent expenses of the city and for all other objects and purposes authorized by law, to be assessed and collected in such manner as the common council shall, by ordinance, direct ; *provided, always*, that it shall not be lawful for the common council to raise by taxation in any one year, in the general assessments for the city purposes, an amount of money that shall cause a greater rate than two hundred cents on one hundred dollars of the valuation of the real and personal property, rated and returned for taxation therein, as shown by the duplicate of assessments for the current year ; excepting, however, from such amount the moneys raised therein for state and county taxes and school purposes, and for the principal or interest of any bonded indebtedness. Proviso.

6. This act shall take effect immediately.

Approved March 21, 1899.

CHAPTER 54.

An Act concerning general assignments [Revision of one thousand eight hundred and ninety-nine].

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

Assignments
must be for equal
benefit; prefer-
ences void.

1. Every conveyance or assignment made by a debtor of his entire estate in trust to an assignee or assignees, for the creditors of such debtor, shall be made for their equal benefit in proportion to their several demands, to the net amount that shall come to the hands of said assignee for distribution, and all preferences attempted to be made in such assignment of one creditor over the other, or whereby any one creditor shall be first paid or have a greater proportion in respect of his claim than another, shall be deemed fraudulent and void, and shall render such assignment void.

Contents of
assignment;
acknowledged
and recorded.

2. Every debtor residing in this state making a conveyance or assignment of his entire estate, in trust, to an assignee or assignees, for the creditors of such debtor (the said debtor being hereinafter referred to as the assignor, and the said conveyance or assignment as a general assignment) shall acknowledge the same, or cause the same to be proved according to law, so that the same may be recorded as a deed of land, and shall annex to such general assignment an inventory, under oath or affirmation, of his estate, real and personal, together with a list of his creditors and the amount of their respective claims according to the best of his knowledge, but such inventory shall in nowise be conclusive as to the quantum of the assignor's estate, real and personal, but the assignee shall be entitled to any other property which may belong to the assignor at the time of making such general assignment; in case such assignor shall willfully violate any of the provisions of this section, the said general assignment shall not thereby be rendered invalid or be excluded from the operation of this act, but in such case such assignor shall remain liable to his creditors for any remaining indebtedness after distribution by the assignee,

In case of will-
ful violation of
section.

and shall not receive any of the benefits hereinafter provided for assignors in the twenty-second section of this act.

3. The said assignee, upon receiving such general assignment mentioned in the preceding section of this act, shall forthwith record the same if the same has been acknowledged or proved according to law, in the county where such assignor resides, and in any other counties or states where he may deem it necessary to record the same, and shall also forthwith give public notice by advertising at least once a week for four weeks successively, in one of the newspapers printed in this state, circulating in the neighborhood where such creditors reside, making known thereby that such general assignment has been made, and when made, and setting forth a general description of any business carried on by the assignor and the place where the same was so carried on, and that all claims of creditors against said estate must be presented under oath or affirmation to the said assignee within three months from the date of said general assignment, or the same will be barred from coming in for a dividend of said estate; and the said assignee shall also, within thirty days after the date of said general assignment, mail a copy of said notice, with postage prepaid, to every creditor of said assignor, addressed to such creditor at his usual post-office address, so far as said assignee can ascertain the same; and the said assignee shall forthwith exhibit to the surrogate of the county wherein such assignor resides, under oath or affirmation, a true inventory and valuation of said estate so far as has come to his knowledge, and shall, after exhibiting such inventory and valuation, forthwith enter into bond to the ordinary of this state, in such amount and with such sufficient security as the orphans' court of the said county, or any judge thereof, may approve, for the faithful performance of his trust, which bond shall be filed in the office of the surrogate of the said county; until such inventory, valuation and bond shall be filed the said assignee shall not proceed to the discharge of his trust under the said general assignment, further than may be necessary for the preservation of the assigned estate; *provided, however*, that the said orphans' court, or any judge thereof, before such inventory, valuation and bond shall be filed, may, by order, authorize the said assignee to perform such other acts in the administration of said trust as said court or judge may deem necessary for the protection of said

Duty of assignee.

Proviso.

creditors upon such terms as said court or judge may impose ; in case of failure to give such notice, or mail the same as above provided, the said orphans' court may extend and fix the time for the presentation of claims and the giving and mailing notice thereof as aforesaid.

List of creditors
filed by assignee
with surrogate.

4. At the expiration of the said period of three months from the date of said general assignment, or in case of an extension of time for the presentation of claims by said orphans' court as aforesaid, then at the expiration of such extended time, the said notice having been duly given and mailed as aforesaid, the said assignee shall file with the surrogate of the said county a true list, under oath or affirmation, of all such creditors of said assignor as shall have proved their claims as such before him, with a true statement of their respective claim, and due proof of the publication of the notice of said general assignment, and the mailing of such notice as provided in the third section of this act, which proof shall give in detail the names of the persons to whom, with the respective addresses to which, and the time when such notices were mailed, and within ten days after the filing of said list and statement the said assignee shall mail notice, with the postage prepaid, of the filing thereof to every creditor of said assignor who has proved his claim, addressed to such creditor at his usual post-office address, so far as said assignee can ascertain the same, and shall, within said ten days, also file with said surrogate due proof of the mailing of the last-mentioned notice as above prescribed ; in case of failure to file the said list and statement, or to file proof of the publication and mailing of said notice provided in the third section of this act, or in case of failure to mail the said notice of the filing of said list and statement, or to file the proof thereof, the said orphans' court may extend and fix the time for the performance of any or all of the duties of the assignee above prescribed, which he may have so failed to perform.

When court may
extend time.

Creditor must
set forth in claim
any pledge he
may hold.

5. Every creditor presenting a claim under the provisions of this act to an assignee, shall set forth in his claim any mortgage or pledge of property of the assignor, or lien thereon, which he holds, or which stands as security for his debt, or upon failure so to do, shall be deemed to have waived and abandoned such mortgage, pledge or lien, as against the said assignee ; any creditor whose debt stands secured by any such mortgage, pledge or lien, shall have a

right to dividends only upon the balance of his debt after deducting the value of his said mortgage, pledge or lien, which value may be ascertained by agreement between him and the assignee, or by the said orphans' court upon application of said creditor or said assignee, and after such ascertainment the said mortgage, pledge or lien, if the same shall not have been realized on, shall stand as security only for the amount which shall have been so ascertained; any creditor may present not only any debt due, but any debt to grow due, making in such case a reasonable rebate when interest is not accruing on the same.

6. It shall be lawful for the said assignee, or any creditor or other person interested by himself or attorney, at any time within thirty days after the said list and statement shall have been filed and notice thereof shall have been mailed to the creditors, as directed in the fourth section of this act, to file in said orphans' court exceptions to the claim or demand of any creditor exhibited as aforesaid, and said court shall cause a notice to be served on said creditor, in such mode as the said court may direct, and said court shall then proceed to hear the proofs and allegations of the parties at the term at which such exceptions shall have been filed, or at any subsequent term, and adjudicate thereon; and in case of such hearing before the orphans' court the evidence and proceedings before the orphans' court, upon the application of either party, shall be reduced to writing by the register of the court or by a stenographer, under the direction of said court, appointed by said court for that purpose.

Exceptions may
be filed.

Action of court.

7. It shall be lawful for the said assignee, or any creditor or other person interested in any account to which exceptions have been filed as aforesaid, to demand a trial by jury, whereupon the orphans' court in which such exceptions shall be filed shall certify said exceptions, and the claim or demand excepted to, to the circuit court of the county, to be tried in a summary way by a jury before said court, under such rules as the said court may from time to time prescribe; and the verdict, unless set aside by a new trial granted by said circuit court, shall be returned to the said orphans' court with the certificate of said circuit court, to be there proceeded on according to law.

Trial by jury
may be
demanded.

8. If no exceptions to any claim or demand shall be filed as provided by the sixth section of this act, or in case any exceptions shall be filed, then after the same shall have been

Dividends.

Partial
distribution.

adjudicated or settled as aforesaid, the said assignee shall proceed to make from time to time fair and equal dividends among said creditors from the assets which shall come to hand in proportion to their claims; in case the determination of any claim or claims shall be delayed by exceptions, or for any other reason, the said orphans' court may, in its discretion, on the application of the assignee or any creditor, from time to time, direct the said assignee to make such partial distribution from the assets in hand to those creditors whose claims are not in dispute as may be safely made, reserving at all times sufficient assets to secure, after all the claims shall have been adjudicated and finally settled, an equal and proportionate distribution according to the intent of this act, and the said orphans' court may also, in its discretion, upon application of said assignee, or of any creditor, take charge of the making of any or all dividends and direct the time when the same shall be made and the amount thereof.

Final account.

9. As soon as may be, after the determination of all claims, the said assignee shall render, on oath or affirmation, a final account to the said orphans' court in like manner and upon the same notice to creditors and others interested as is now or may hereafter be directed in regard to executors and administrators; and exceptions may in like manner be filed to such accounts and proceeded upon as prescribed in regard to executors and administrators, and the settlement and decree of said court shall be conclusive on all parties except for assets which may afterwards come to hand, or for frauds or apparent errors; the said orphans' court may, in its discretion, upon the application of said assignee or any creditor, order the said assignee in like manner to render an intermediate account, and in such case the same shall be filed in like manner and upon the same notice to creditors and others interested, and shall be subject to exceptions in the same manner as is now or may hereafter be directed in regard to intermediate accounts of executors and administrators, and in like manner such exceptions shall be heard and determined by said court.

Intermediate
account.

Preferred debts.

10. The wages of clerks, mechanics and laborers due from the assignor at the time of making such general assignment, shall be preferred debts and shall be first paid by said assignee before any other claim or debt shall be paid, and in case any such wages shall have been earned, or partly earned,

at the time of making such general assignment, but shall not be then payable, the same shall be equitably apportioned and shall be paid as preferred debts as aforesaid up to the said time of making said assignment; *provided, however,* that no payment shall be made as a preferred debt to any one person to an amount exceeding three hundred dollars; and in case any claim shall receive a preference to the extent of three hundred dollars under this section, any balance of such claim yet remaining unpaid shall be entitled to all dividends to be calculated upon such balance.

Proviso.

11. In case of any such general assignment there shall be reserved of the goods and chattels of any such assignor having a family residing in this state, goods and chattels to the value of two hundred dollars, and all wearing apparel for the use of said assignor and his family; and it shall be the duty of the assignee, at the written demand of said assignor, as soon after the said general assignment is executed as conveniently as may be, to cause a just and true appraisement of the assignor's goods and chattels to be made under oath or affirmation, to be taken before any person authorized to administer an oath, by three discreet and judicious persons to be selected by such assignee, at their actual value, and to set apart for the use of said assignor and his family such of the goods and chattels as he may select from such appraisement, not exceeding in value the said sum of two hundred dollars, which said appraisers shall be allowed for their services fifty cents each, to be paid by said assignee and to be allowed in his account; *provided, however,* that this section shall not apply to any general assignment of partnership property.

Reservation to assignor.

Proviso.

12. In case of any such general assignment where the assignor shall be a tenant, all the goods and chattels of such tenant on the premises, in the possession of such tenant, shall be first bound for the payment of rent due to his landlord; and the said claim for rent in favor of the landlord, not exceeding one year's rent, shall be first paid and satisfied by the assignee out of the goods and chattels of the said tenant which were on the demised premises at the time of the assignment.

Rent a preferred claim.

13. If the tenant, his assignee, or any other person or persons, shall remove any goods and chattels off or from the demised premises, after the said assignment, it shall and may be lawful for the said landlord, at any time within forty

Right of landlord in goods and chattels.

days after such removal, to seize the said goods and chattels in whose hands soever the same may be found, as a distress for his said rent, and proceed with the same in the manner directed by the act concerning distresses, whether the rent by the terms of the lease be due or not, making a rebate on the sum not due, as is now or may hereafter be required, where a party suing out execution pays rent not due to the landlord.

Disposal of
real estate.

14. Whenever any assignee shall take any real estate of said assignor under such general assignment, he shall (except as hereinafter provided) proceed to advertise and sell the same in such manner as is now or may hereafter be prescribed in the case of an executor or administrator directed to sell lands by an order of the orphans' court for the payment of the debts of a testator or intestate; in all cases where any assignee as aforesaid shall deem it to be for the best interest of the creditors of the assigned estate to make sale of the whole or any portion of the real estate so assigned in trust, at private sale, the said assignee shall have the power to make a contract or contracts for such sale, which contracts shall be subject to the confirmation of the said orphans' court, and in such cases the said assignee shall forthwith, upon making any such contract, present the same by petition to the said orphans' court for its action thereon, and thereupon the said orphans' court, upon such notice to the creditors as it may direct, shall hear the parties interested and either declare such contract void or confirm the same, and in case of such confirmation the said assignee shall perform the same and convey the real estate in accordance with the terms thereof, and the said assignee may, in like manner, if he at any time shall see fit so to do, submit contracts for the sale of personal estate of all kinds to said orphans' court for its action thereon, which court in like manner may declare void or confirm the same.

Power of as-
signee with
reference to dis-
position of estate.

15. Every such assignee shall have as full power and authority to dispose of all the estate assigned to him in trust as aforesaid, except as may otherwise be herein provided, as the said assignor had at the time of the general assignment, and to sue for and recover in the proper name of such assignee everything belonging or appertaining to said estate, real or personal, of such assignor, and shall have full power and authority to compromise, settle and compound all claims, disputes and litigations of said assignor, and

to refer the same to arbitration, and to agree with any person concerning the same, and to redeem all mortgages and conditional contracts, and generally to act and do whatsoever the said assignor might have lawfully done in the premises; and said assignee may at any time by petition apply to said orphans' court for its advice and direction in regard to any matter or thing connected with the administration of his trust; and thereupon the said court, upon such notice to the creditors as it may direct, shall hear the parties interested who may appear and make such order or decree in the premises as it shall deem advantageous to the said creditors, and upon such proceedings the said court may authorize the said assignee to continue for such a period or periods, and under such conditions as the said court may from time to time prescribe, any business of the assignor in which the assigned estate, or any part thereof, may be invested; the said assignee, in addition to the powers which he may exercise as the successor to such assignor, shall also at all times be the representative of the creditors of such assignor, and shall have the same power to set aside conveyances, and to recover or reach assets for the benefit of the creditors of such assignor as a creditor of said assignor would have who had recovered a judgment against said assignor at the date of said assignment, and all conveyances, mortgages and transfers of property, real or personal, made by said assignor, which are void or voidable as against the creditors of such assignor, shall in like manner be void or voidable, as the case may be, as against said assignee.

Assignee may seek advice of court.

Assignee as representative of creditors.

16. If any person being insolvent or in contemplation of insolvency shall, within two months before the making of the general assignment for the benefit of creditors, regulated by the provisions of this act, and in contemplation of making a general assignment, mortgage, pledge, assign, pay or transfer any of his property, or procure or suffer any of his property to be seized, attached or levied upon, or any lien or incumbrance to be placed or acquired thereon by legal process or otherwise, with a view to giving a preference to any creditor or person having a claim against him, or who is under any liability for him, the person receiving such preference in manner aforesaid, or to be benefited thereby, having reasonable cause to believe that such person is insolvent, or in contemplation of insolvency, and is contemplating making a general assignment, the said mortgage, pledge, assign-

Transfer of property within two months of assignment to give preference void.

Property may
be recovered.

When court may
appoint another
assignee.

In case of new
assignee.

ment, payment, transfer, seizure, attachment, levy, lien or incumbrance shall be void as against the assignee named in such general assignment for the benefit of creditors and his successors in trust, and the said assignee may recover the property given by way of preference or the value thereof from the person so receiving the same or so benefited thereby.

17. In case the said assignee shall die or become incapable of executing his trust the said orphans' court shall, upon application of any party interested, appoint some suitable person or persons as assignee or assignees in the place of such assignee so dying or becoming incapable to execute the said trust; in case any assignee shall embezzle, waste or misapply any part of the trust estate in his hands or under his control, or shall neglect or refuse to execute his trust, or to perform and obey any order or decree of the said orphans' court in respect of his trust, or shall remove from the state, or for a reasonable or just cause manifested to said orphans' court shall desire to be relieved from his office as assignee, then and in every such case the said court shall have the power to remove said assignee and appoint some suitable person or persons in his stead to execute the said trust; in case it shall be made to appear to the said orphans' court that the holders of two-thirds in amount of the indebtedness entitled to a dividend desire the removal of the assignee, the said court shall make such removal and appoint some suitable person or persons in his stead to execute the said trust, and if the holders of two-thirds in amount of such indebtedness unite in nominating a person or persons, resident in the state, as such assignee, the said orphans' court shall appoint the person so nominated unless the said court shall deem him or them unsuitable; in the cases hereinbefore provided for in this section the said orphans' court may act upon the petition of any creditor or other party interested, and upon such notice to the assignee or creditors as the said court shall direct; in case of the appointment of any new assignee he shall enter into bond to the ordinary for the faithful performance of his trust, in such amount and with such security as the said orphans' court, or any judge thereof, shall direct, and in case at any time the security given by any assignee under or by virtue of this act shall be shown to be insufficient, the said orphans' court shall direct such assignee to give such additional security, by bond to the ordinary as aforesaid, as the said court shall deem proper;

upon the appointment of any new assignee as aforesaid the entire trust estate, in whatsoever form the same then may be, shall forthwith vest in such new assignee and the said orphans' court shall have the power to compel the removed assignee, or the personal representative of the former assignee, to account in said court for his trust, and to deliver possession of the estate in his hands to his successor, and to pay over to such successor any balance found due on such accounting, and to execute such conveyance or conveyances of the trust estate to his successor as the said court may deem proper; and every such new assignee shall have all the powers and perform all the duties (not already performed) conferred and imposed by the said assignment or by this act upon the original assignee named in said assignment.

18. The inventory and list of creditors, with the statement of claims required to be filed by the assignee as aforesaid, shall be proved before the surrogate of said county, and be recorded by him in a book to be provided for that purpose and to be called "assignee's book," and for the taking proof of such inventory and list, and for the recording thereof, the surrogate shall be entitled to the same fees as are allowed by law for like services in relation to inventories of the property of deceased persons.

Inventory, etc.,
proved and
recorded in "as-
signee's book"

Surrogate's fees.

19. Such commissions and allowances shall be made to the assignee or to the personal representatives of a deceased assignee, or to a person who has been removed by the court from his office as assignee for any cause other than his misconduct, on any intermediate or final account as the said court shall consider just.

Compensation
to assignee.

20. The same fees shall be allowed in all proceedings under this act to the officers of the orphans' court, as are allowed for like services performed in the settlement of accounts of executors or administrators under the laws of this state.

Fees.

21. If any creditor shall not exhibit his claim within three months from the date of such general assignment, or within such other time as may have been fixed by the court for that purpose, such claim shall be barred of a dividend except as hereinafter provided; whenever any creditor shall have omitted to file his claim or claims within the time limited by law, and a final dividend shall not yet have been made, it shall be lawful for such creditor, at any time prior to such final dividend being made, to present his claim or claims

If creditor fails
to exhibit his
claim.

under oath or affirmation to the assignee, and the same shall thereupon be entitled to share in any dividend which may be made after such presentation thereof; upon the presentation of any such claim the said assignee, before allowing the same, shall give notice thereof by mail, with postage prepaid, to the other creditors who have proved their claims, as directed by the fourth section of this act in relation to claims proved in time, and the same shall be subject to all exceptions by said assignee or the other creditors that a claim filed in time would be subject to and may be proceeded with and adjudicated upon in the manner provided in the sixth and seventh sections of this act.

Creditors not exhibiting claims.

22. Nothing in this act shall be taken or understood as discharging said assignor from liability to his creditors, who may not choose to exhibit their claims, either in regard to the persons of such assignor or to any estate, real or personal, not assigned as aforesaid, but with respect to the creditors who shall come in under said general assignment and exhibit their demands as aforesaid for a dividend they shall be wholly barred from having afterwards any action or suit at law or equity against such assignor or his representatives; unless on the trial of such action, or hearing in equity, the said creditor shall prove fraud in the said assignor with respect to the said general assignment or concealing his estate, real or personal, whether in possession, held in trust or otherwise.

Power of court to compel assignee's performance of duty.

23. The orphans' court may, from time to time, if necessary, by citation and attachment, compel said assignee to proceed to the execution of the duties required by this act, until final settlement and distribution as aforesaid, and to perform and obey its orders and decrees.

Assignment by corporation.

24. Any corporation organized under the laws of this state may make a general assignment under the provisions of this act, and in such case shall be deemed, for the purposes of this act, a resident of the county in which its principal office shall be located, and the orphans' court and the surrogate of such county shall act and have jurisdiction of the proceedings; but in case the said corporation shall, at any time after the making of such general assignment, be adjudged insolvent and a receiver thereof be appointed by the court of chancery of this state, the said court of chancery shall have the power, at any time when it may deem it for the interest of the stockholders or creditors of said corpo-

ration, to remove the assignee of such corporation and to direct and compel the said assignee to transfer and convey the trust estate in his hands to such receiver to be administered under the direction of said court of chancery, and the said assignee shall thereupon present his accounts to said court of chancery for settlement and allowance as the said court of chancery may direct; and the said assignee may be made a party defendant in any bill or petition filed in said court of chancery to have such corporation adjudged insolvent and a receiver thereof appointed, and may be restrained, enjoined and removed in such proceeding and subjected to all orders and decrees therein; the said court of chancery may, if it see fit, appoint the said assignee of such corporation the receiver thereof, and in all cases where the said court of chancery shall as aforesaid take control of the trust estate assigned as aforesaid, the jurisdiction of the said orphans' court in the premises shall terminate and the said estate shall be administered as assets of an insolvent corporation in the same manner as if no such general assignment had been made.

25. When such general assignment shall be made by partners in business, the same may include only the partnership property or may also include the several estates of the partners, or any of the partners may, upon such general assignment of the partnership property being made, make also a separate general assignment of his individual estate; in all cases where a general assignment shall include both a partnership and an individual estate the same shall be kept separate in all proceedings under this act, and all notices and accounts in relation thereto shall plainly distinguish between the different estates, and all proceedings, orders and decrees shall recognize the rights and equities of the different classes of creditors, to the end that the property assigned may be equitably applied to the payment of the claims of said creditors; in order to bring a general assignment of partners in business within the regulative operation of this act, it shall be sufficient if any one of them resides in this state, in which case the proceedings shall be had in the county where such partner resides, and in case such partners or any of them reside in different counties of this state, then the proceedings may be had in either or any one of such counties, but in such case it shall be the duty of the assignee to cause such proceedings to be had in the county

Partnership
assignment.

When assign-
ment includes
partnership and
individual
estates.

where the principal place of business of said partners is located, if such assignee knows of any such principal place of business and any partner resides in such county.

In case of
compromise.

26. In case after a general assignment shall have been made under the provisions of this act the assignor shall make an agreement of compromise or composition with his creditors, it shall be lawful for the assignee to re-assign and re-convey to said assignor all the trust estate in his hands, free and discharged from the trust, upon compliance with the provisions of this section; in every such case the said assignor shall present a petition to the said orphans' court, duly verified by him, setting forth the said agreement and praying for relief in the premises; and the said court shall thereupon make an order that all the creditors of said assignor shall appear on a certain day therein named and show cause why said agreement should not be confirmed and the said assignee be directed to re-assign and re-convey the trust estate in his hands to the said assignor; the said assignor shall cause said order to be published for three weeks, at least once in every week, in such newspaper or newspapers as the said court may select, and shall also cause a copy thereof to be mailed, at least ten days before the return day of said order, with the postage prepaid, to every creditor of said assignor, addressed to such creditor at his usual post-office address, so far as said assignor can ascertain the same; the said court, on the return day of said order, or on such adjourned day as it may appoint, on being satisfied by affidavit or otherwise that the requirements of this section in relation to the publication of said order to show cause and the mailing of copies thereof have been complied with, and upon being further satisfied that the said agreement had been executed by all the creditors of said assignor entitled to a dividend of the trust estate, shall order, upon such terms as it shall deem just, that the said agreement be confirmed and that the said assignee, within such time as said order shall specify, shall re-convey and re-assign to said assignor all the trust estate in the hands of such assignee, in whatsoever form the same may be, and the said order may contain such directions regarding the said re-conveyance and re-assignment as shall comport with the terms of said agreement.

Action of court.

Appeal to pre-
rogative court.

27. Any person aggrieved by any order or decree of the orphans' court or judge thereof, may, under the provisions of

this act, appeal from the same to the prerogative court; *provided*, that such appeal be demanded within thirty days after such order or decree.

Proviso.

28. All actions at law or suits in equity which may hereafter be brought against any such assignee on account of the taking, appropriating, selling or disposing of any property by such assignee as a part of the trust estate belonging to him under the assignment, shall be commenced within nine months from the time when the cause of action shall arise, and not afterwards.

Time within which action may be brought against assignee.

29. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed, but this repealer shall not revive any act heretofore repealed; the repeal of any statutory provision by this act shall not affect or impair any act done or right vested or accrued, or any proceeding commenced before such repeal shall take effect; but every such act done or right vested or accrued or proceeding commenced, shall remain in full force and effect to all intents and purposes as if such provision so repealed had remained in force, excepting that all suits or proceedings now pending under such statutory provisions hereby repealed shall be conducted as near as may be in accordance with the practice and procedure as changed or prescribed by this act.

Repealer.

Proceedings commenced not affected.

Suits now pending; how conducted.

Approved March 21, 1899.

CHAPTER 55.

An Act to amend an act entitled "A general act relating to boroughs," approved April twenty-fourth, one thousand eight hundred and ninety-seven.

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

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

Section amended.

76. It shall be lawful for the mayor and council to enter into and make a contract with the governing body of any adjoining municipality, or with any water company in this state, for a term not exceeding ten years, for the obtaining

Contract may be made for water-supply.

and furnishing of a supply of water to be used in said borough for domestic and public purposes, at such rates and upon such terms as can be mutually agreed upon.

2. This act shall take effect immediately.

Approved March 21, 1899.

CHAPTER 56.

An Act to promote the propagation and growth of seed oysters, and to protect the natural oyster-seed grounds of this state.

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

Oyster-seed
grounds divided.

1. For the purpose of promoting the propagation and growth of seed oysters, and to protect the natural oyster-seed grounds of this state, the said natural oyster-seed grounds be and they are hereby divided into six districts, as follows :

District number one, Barnegat bay, north of Gunning river ;

District number two, from Gunning river south to Gaunt's Point ;

District number three, from Gaunt's Point south to the south side of Great bay and the channel of Mullica river ;

District number four, from the south side of Great bay and the channel of Mullica river to the channel of Great Egg Harbor river to Middle river ;

District number five, from the channel of Great Egg Harbor river to Middle river, and from the north bank of Middle river and including the waters of Cape May county ;

District number six, the rivers and creeks of Delaware bay and Maurice river cove, and the beds at the mouth of said rivers and creeks.

Commissioners
appointed.

2. The governor shall appoint commissioners to serve for a term of three years, who shall perform such duties as may hereinafter be prescribed, and who shall, before they enter into the performance of such duties, take and subscribe to an oath or affirmation before the clerk of the county wherein

they reside respectively, to faithfully discharge the duties of their office; said commissioners shall be appointed respectively as follows:

In the first district, three commissioners;

In the second district, two commissioners;

In the third district, three commissioners;

In the fourth district, two commissioners;

In the fifth district, two commissioners;

In the sixth district, two commissioners;

and in case of any vacancy occurring by death, resignation, removal or otherwise, the governor shall have authority to appoint any competent person resident of the district to fill such vacancy. Vacancies.

3. It shall be the duty of said commissioners to make a careful inspection of the natural oyster-seed grounds in their respective districts, and, wherever and whenever in their opinion it is expedient to cause a supply of shells to be spread on the grounds of the said natural oyster-seed grounds, which from any cause have become depleted, said shells shall be purchased by said commissioners at the lowest price, and be spread between the thirtieth day of April and the first day of September in each year, until the appropriation hereinafter made for the purpose shall be exhausted. Commissioners' duty.

4. It shall not be lawful for any person or persons to rake, tong, dredge or in any manner disturb, or work upon any grounds occupied by the state of New Jersey, for the purpose of planting shells until the second season after the spat have adhered to the shells so planted, and then only in case the catch is sufficient to justify the said commissioners in turning them out for public grounds; and any person or persons offending against the provisions of this act shall be deemed guilty of a misdemeanor, and punishable, after conviction, by a fine of fifty dollars for each and every offense, or imprisoned in a county jail for a period of three months, or both, at the discretion of the court, and the fine, when so recovered, one-half shall go to the complainant, and the one-half be paid to the treasurer of the state for the use of the state. Unlawful to disturb grounds.

5. The taking of oysters from any natural oyster-seed grounds during the closed season, from the first day of May until sunrise of the first day of October (provided the closed season shall not apply to the sixth district as hereinbefore provided), or the violation of any provision of the culling Penalty.

Unlawful to take oysters from seed-grounds during closed season.

Penalty.	laws, shall be considered a misdemeanor, and the aforesaid penalty shall be inflicted, and that the said oyster commissioners shall have authority to arrest any person or persons caught violating any the provisions of this act ; that they shall be empowered to wear a badge designating their office, which shall distinguish their authority, and the said oyster commissioners shall be recognized and respected as officers empowered to enforce all laws relating to the natural oyster-seed grounds.
Authority of commissioners.	
Compensation.	6. It shall be the duty of the said oyster commissioners to strictly enforce all existing laws regulating the natural oyster-seed grounds of this state ; each of the commissioners above named shall be entitled to receive for each day's actual service in the discharge of their duties aforesaid the sum of three dollars, to be paid by the state treasurer upon warrant of the comptroller ; the comptroller being hereby authorized to issue such warrant upon presentation to him of a statement, duly verified by oath or affirmation, by such commissioner, that the services for which pay is demanded have been duly performed.
Appropriation ; how divided.	7. For the purpose of carrying out the provisions of this act, there shall be available, when appropriated, the sum of twelve thousand dollars annually, of which said sum six thousand dollars shall be distributed in the various districts named in the act, for the purpose of purchasing and spreading of shells, as follows : First district, the sum of eleven hundred dollars ; Second district, the sum of seven hundred dollars ; Third district, the sum of nine hundred dollars ; Fourth district, the sum of nine hundred dollars ; Fifth district, the sum of nine hundred dollars ; Sixth district, the sum of fifteen hundred dollars ; the remainder of the sum annually appropriated, or such portion of it as may be necessary, shall be available for the payment of the commissioners appointed to carry out the provisions of this act ; any surplus to be used under this act as a majority of the commissioners may decide.
Assistants.	8. The commissioners named are authorized to employ such assistants as they may deem necessary to carry out the provision of this act.
Repealer.	9. All acts and parts of acts inconsistent with this act shall be and they are hereby repealed, and this act shall take effect April fourth, one thousand eight hundred and ninety-nine. Approved March 21, 1899.

CHAPTER 57.

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

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

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

Section amended.

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

Improvement bonds may be issued.

Proviso.

installment of principal falling due the subsequent year, to be raised in the annual tax levy in each year.

2. This act shall take effect immediately.

Approved March 21, 1899.

CHAPTER 58.

A Supplement to an act entitled "An act concerning the settlement and collection of arrearages of unpaid taxes, assessments and water rates or water rents in towns, townships, boroughs and other municipalities except cities of this state, and imposing and levying a tax, assessment and lien in lieu and instead of such arrearages and to enforce the payment thereof, and to provide for the sale of lands subject to future taxation and assessment," approved May eighteenth, anno domini one thousand eight hundred and ninety-eight.

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

When certiorari
allowed.

1. No writ of certiorari shall be allowed to contest or set aside any tax, assessment and lien fixed or determined by the said commissioners, or to set aside any proceeding under this act to collect the same, unless the party applying for such writ shall give a bond, with approved security, conditioned for the payment of so much of said tax, assessment and lien as shall be ascertained to be justly payable, with interest and costs, nor unless application therefor be made within six months from the confirmation of the said report.

Repealer.

2. All acts or 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 March 21, 1899.

CHAPTER 59.

A Supplement to an act entitled "An act to regulate elections" [Revision of one thousand eight hundred and ninety-eight], approved April fourth, one thousand eight hundred and ninety-eight.

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

1. Section ten of the above-entitled act shall be and the same is hereby amended to read as follows : Section amended.

10. The said township committee, mayor and common council or other governing body shall have power, from time to time, to divide an election district, to change or readjust the boundary lines of any election district or districts, or consolidate two or more districts whenever, by reason of change of population or alteration of municipal lines or otherwise, such action shall be deemed advisable ; *provided*, that in every division, change or readjustment the geographical compactness of each district and the convenience of the voters shall be first considered. Election districts may be divided.

Proviso.

2. Section sixteen of said act be and the same is hereby amended so as to read as follows : Section amended.

16. The members of said county boards of election, and also the members of said district boards of registry and election, shall, before entering upon the performance of their duties, severally take and subscribe an oath or affirmation, in writing, before a duly-qualified officer, faithfully and impartially to discharge all their duties as such officers to the best of their skill and ability ; which oaths or affirmations shall be forthwith forwarded to the county clerk, and by him filed in his office, and after qualification as aforesaid, any member of either of said boards may, at any meeting thereof, administer any oath or affirmation required or permitted to be taken by this act. Oath of office, and right to administer oath.

3. Section sixty-three of the above-entitled act be and the same is hereby amended to read as follows : Section amended.

Party agents.

63. The chairman of the county committee of any political party that has duly nominated any candidate for public office to be voted for at any election by all the voters within said county or any political division thereof greater than a single municipality, or where the election is within and for a single municipality only, or any subdivision thereof, then the chairman of the committee of the political party making such nomination within and for such single municipality, or such division thereof, may appoint two agents for each election district in his county or municipality, as the case may be, and any candidate duly nominated by petition for any office whose name may appear upon the ballot to be used in any election may likewise appoint two agents for each district;

Proviso.

provided, however, that only two agents shall be allowed for each election district to represent all the candidates nominated in and by the same petition or group of petitioners; such agents shall be the authorized agents and challengers for their respective parties and candidates, and shall be at liberty to challenge the right to vote therein of any person claiming such right; the appointment of agents shall be made in writing under the hand of the person making the appointment, and shall specify the names and residences of the agents and the election districts for which they are severally appointed; such appointment papers shall be filed with the county board of elections five days before the election, who shall thereupon issue, under their hands, to the persons named in such appointment papers permits for them to act as agents of their respective parties or candidates at the election district specified; such permits shall be filed by the persons named therein with the board of election in the district named therein as evidence of their authority to be present in the polling place; and such permits may be issued and revoked and others issued in their stead at any time up to and including the day of election; *provided, however*, that when a permit shall be revoked, the new permit in the place thereof shall be issued upon the nomination of the same person or officer upon whose nomination the original permit was issued; said agents may be present inside the railed inclosure while the votes cast at any election at which they were agents are being counted and hear and see said ballots counted.

Proviso.

Section amended.

4. Section ninety-four of the above-entitled act is hereby amended to read as follows :

94. In every township or municipality (other than cities) containing but one election district the members of the district board of election conducting any township, local or charter election therein shall, upon the close of the election, ascertain and determine what officers have been elected, sums of money voted, or propositions adopted, and the result of the election in all other particulars; in every township or municipality containing more than one election district the members of the district boards of election conducting any such election shall meet on the day after holding the same, at the hour of two o'clock in the afternoon, at the polling place in the district in which the township or municipal clerk may reside, and when so met, shall ascertain and determine in like manner the result of said election in said township or municipality; *provided*, that when such township or municipality contains more than two election districts two members only from the board of election of each district (not of the same political party), to be designated by the board, shall meet in like manner and ascertain the result of said election as above provided; such determination shall be written out and signed by the election officers making the same, and forthwith delivered to, and filed by, the township or municipal clerk.

Determination
result of election.

Proviso.

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

Repealer.

Approved March 21, 1899.

CHAPTER 60.

A Further Supplement to an act entitled "An act fixing the compensation of certain public officers of the state," approved March sixteenth, one thousand eight hundred and seventy-six.

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

1. The governor shall be allowed the further sum of five hundred dollars per year for clerical service in the discharge

Further allowance to executive department.

Proviso.

of the duties of the executive department; *provided*, said sum shall not be paid until regularly appropriated.

2. This act shall take effect immediately.

Approved March 21, 1899.

CHAPTER 61.

A Supplement to an act entitled "An act to authorize the issue of bonds to provide moneys for the erection of county lunatic asylum buildings in counties of this state," approved June tenth, one thousand eight hundred and ninety.

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

Additional
bonds.

1. In addition to the bonds authorized to be issued by the above-entitled act as amended there may be and hereby are authorized to be issued for the purpose of erecting additions to any county lunatic asylum building or buildings now existing in any county of this state or to build new buildings or accommodations for the patients at said asylums, and to make proper repairs to the original building or buildings thereby rendered necessary or advisable, and to provide proper furniture or apparatus for lighting, heating or otherwise fitting up the same, bonds of the character, denomination and effect of those heretofore authorized in and by the act to which this is a supplement, to an amount not exceeding sixty thousand dollars; the proceeds of the sale of which bonds when issued shall be used, except as hereinafter provided, for the purpose of erecting additions to any county lunatic building or buildings now existing in any county of this state, or for the construction of new buildings, or for the increase of accommodations at said asylums, or to make proper repairs to the original building or buildings rendered necessary or advisable by said improvements, or to provide proper furniture or apparatus for lighting, heating, or otherwise fitting up said building or buildings; *provided*, that it shall not be necessary to state

Proceeds, how
used.

Proviso.

on the face of the bonds the purpose for which the same are issued.

2. Such bonds shall be made, issued and sold as directed in the act to which this is a supplement, and the money arising therefrom shall be used exclusively for the purposes above mentioned; *provided, nevertheless*, that if there be any surplus or balance of such moneys that may not be actually used for said purposes, such surplus or balance shall be paid into the sinking fund for the redemption of county bonds.

Use of money
arising from sale.

Proviso.

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

Repealer.

Approved March 21, 1899.

CHAPTER 62.

An Act to provide for the alterations, repairs and furnishings of the building purchased as a home for veteran soldiers, sailors or marines and their wives.

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

1. The board of managers of the home for veteran soldiers, sailors or marines and their wives is hereby authorized to make the needed alterations and repairs and to provide the necessary furnishings for the building purchased as a home for veteran soldiers, sailors or marines and their wives, and for the accommodation of the inmates thereof.

Managers
authorized to
do necessary
things.

2. The alterations, repairs and furnishings authorized by the first section of this act shall be done by contract or otherwise, as the said board of managers shall deem for the best interests of the state, and the said board of managers shall have power to employ architects, engineers and mechanics as may be necessary, to advertise for proposals, to make a contract or contracts for the whole or any part of said work, and to incur all necessary expenses to carry out the provisions of this act, the costs and expenses incurred not to exceed the sum of twenty-five thousand dollars; *pro-*

Repairs, etc.,
by contract or
otherwise.

Cost.

- Proviso. *vided, however, that the plans and contracts for such improvement shall be first submitted to and be approved by the governor before any work is done or expense incurred ;*
- Proviso. *and provided further, that no money shall be drawn from the treasury for the purpose of this act until the same shall have been specifically appropriated according to law.*
- Report to legislature. 3. The said board of managers shall make to the legislature at its next session and each succeeding session until said alterations and repairs and furnishings are completed, a full and detailed report of its proceedings and expenditures under this act.
4. This act shall take effect immediately.
- Approved March 21, 1899.

JOINT RESOLUTION NO. 1.

Joint Resolution giving the governor the power to appoint a commission of five persons, whose duty it shall be to report upon the present condition and the best method of preserving the Palisades.

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

Commission to report regarding Palisades.

1. The governor shall appoint five persons, who shall serve without compensation, to report upon the present condition of the Palisades, and whose duty it shall be to suggest some remedy or remedies to preserve the Palisades from defacement and depredations.

Approved March 21, 1899.

CHAPTER 63.

An Act to amend an act entitled "A general act relating to boroughs" [Revision of one thousand eight hundred and ninety-seven], approved April twenty-fourth, one thousand eight hundred and ninety-seven.

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

1. Section fifty-three of the act to which this is an amendment be and the same is hereby amended so as to read as follows:

Section amended.

53. Every ordinance passed pursuant to the provisions of section thirty-three shall be preceded by an application in writing for such improvement, describing the nature, kind and extent of the work or improvement desired, signed by at least ten freeholders of said borough residing therein.

Application for improvement.

2. Section fifty-four of said act is hereby amended to read as follows:

Section amended.

54. The council, upon receiving the application referred to in the preceding section, and upon the introduction of the ordinance for the making of such improvement, shall cause the clerk to give public notice of such proposed improvement, briefly describing it and stating the time when and place where the council will meet to receive and consider objections thereto, which time shall be not less than ten days after the date of such notice; said notice shall be posted in five of the most public places in said borough for at least one week prior to the date therein named, or published in a newspaper, circulating in said borough, at least one week prior to the date of meeting as aforesaid, and if at the time and place so specified the owners of one-half of the property fronting within the limits mentioned in said application do not object thereto in writing, said council may proceed to pass said ordinance directing such improvement to be made; if such objections be filed, however, said ordinance shall not be passed, and no further proceedings shall be taken thereon, and no new application

Action in case of application.

Exception.	for such improvement shall be entertained by the council for the space of one year thereafter, except in the case of sidewalk improvement, in which case the council may proceed to pass said ordinance, notwithstanding objections be filed as aforesaid, if the council deem the same to be a public necessity.
Section amended.	3. Section fifty-six of said act is hereby amended to read as follows :
Resolution ascertaining expense delivered to commissioners of assessment.	56. The council shall thereupon cause a copy of said resolution ascertaining the expense of such improvement, attested by the borough clerk, to be delivered by him to the commissioners of assessment, or any one of them ; the said commissioners shall thereupon appoint a time and place of meeting for hearing parties interested in such improvement ; the clerk shall forthwith give public notice of the time and place of meeting by posting such notices at five public places in the said borough two weeks prior thereto, or by publishing the same in a newspaper circulating in said borough once in each week for two weeks prior to such meeting, as the council may direct ; and the nature of such improvement shall be briefly stated in said notice, so as to sufficiently identify the same.
Public notice.	
Section amended.	4. Section fifty-eight of said act is hereby amended to read as follows :
Duties of assessment commissioner.	58. The commissioners of assessment shall attend at the time and place appointed ; two of them shall be a quorum for the transaction of business and sufficient to make any assessment, but one member shall have power to adjourn any meeting ; the commissioners may adjourn from time to time ; they shall give all parties interested in or affected by the improvement ample opportunity to be heard upon the subject of the assessment ; they shall view the premises and have power to examine witnesses under oath or affirmation administered by any one of them ; they shall thereupon make a just and equitable assessment of the damages sustained by, or benefits conferred upon, any lands or real estate by reason of such improvement as the case may be, having due regard to the rights and interests of all persons concerned, as well as to the value of the lands and real estate taken, damaged or benefited ; they shall certify their assessments to the council by a report in writing, signed by at least two of their number ; said report shall be accompanied by a map showing the lands and real estate taken, damaged or benefited by said improvement, and for which

they have assessed damages or benefits; such report may be considered by the council at any meeting of which at least two weeks' previous notice shall have been given by the clerk, posted in five public places in the borough, or published in a newspaper circulating in the borough once in each week for two weeks prior to such meeting, as the council may direct, and also served personally upon the owner or owners named in said report, if resident in said borough, or if non-residents, by mailing a copy of said notice to such owner or owners, directed to them at their post-office address, if the same can be ascertained, and by posting the same conspicuously upon some part or parts of said lands; the affidavit of said clerk shall be conclusive as to the manner of such service, and shall be attached to the report as a part thereof; the notice shall briefly state the object of the meeting with reference to said assessments; at that or any subsequent meeting the council, after considering the said report and map, shall and may adopt and confirm the same with or without alterations, as to them may seem proper; it shall be lawful for the said council to refer the matter to any committee or committees of their own body for further examination before taking final action upon it; and when the report shall be so adopted and confirmed, with or without alterations, the same shall be final and conclusive upon all parties, except as to such assessments, from which appeals may be taken as hereinafter provided.

Report considered by council.

Confirmed report.

5. This act shall take effect immediately.

Approved March 21, 1899.

CHAPTER 64.

An Act to repeal a joint resolution entitled "Joint Resolution number two," approved June ninth, one thousand eight hundred and ninety.

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

1. Joint Resolution number two, approved June ninth, one thousand eight hundred and ninety, be and the same is hereby repealed. Repealer.

2. This act shall take effect immediately.

Approved March 21, 1899.

CHAPTER 65.

An Act to authorize the catching of suckers with hooks.

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

Sucker fishing.

1. It shall be lawful for any person to catch suckers with hooks in any of the waters of this state between the first day of December and the first day of the succeeding March in each and every year.

Repealer.

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

PASSED March 21, 1899.

CHAPTER 66.

Supplement to an act entitled "An act concerning corporations" [Revision of one thousand eight hundred and ninety six].

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

Correction of errors in incorporating.

1. Whenever, in the certificate of incorporation or organization of any corporation organized under any general act of the legislature of this state, there shall be any error or omission in the recital of the act under which said corporation is created, or in the omission of any other matter which is required to be stated in said certificate, it shall and may be lawful for said corporation to correct such error in the manner following: The board of directors of such corporation shall pass a resolution declaring that such error exists and that said corporation desires to correct the same, and shall call a meeting of the stockholders of said corpo-

Method.

ration to take action upon such resolution; the meeting of said stockholders shall be held upon such notice as the by-laws provide, and in the absence of such provision, then upon ten days' notice given personally or by mail; if two-thirds in interest of all the stockholders shall vote in favor of the correction of such error or omission, a certificate of such action shall be made and signed by the president and secretary under the corporate seal; which said certificate shall be acknowledged or proved as in the case of deeds of real estate, and such certificate, together with the written assent, in person or by proxy, of two-thirds in interest of all the stockholders of said corporation, shall be filed in the office of the secretary of state, and upon the filing thereof, the certificate of incorporation or of organization shall be deemed to be corrected and amended accordingly, and the filing of said certificate in conformity with this act shall have the same force and effect as if said certificate of incorporation or organization had been originally drafted in conformity with the amendment so made.

2. This act shall take effect immediately.

Approved March 21, 1899.

CHAPTER 67.

An Act concerning cities.

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

1. The common council or other body having charge and control of the streets, avenues and other thoroughfares of any city shall have the power, by ordinance, to determine and establish the width of the sidewalks of any street, avenue or other thoroughfare of said city, and what proportion of the entire width of said street, avenue or other thoroughfare shall be improved and used for sidewalks, either in the ordinance authorizing the improvement of such street, avenue or other thoroughfare or otherwise; *provided, however,* that where the act or acts of incorporation of any such city now provide that the width of each sidewalk shall bear a certain

Width of
sidewalks.

Proviso.

proportion to the entire width of such street, avenue or other thoroughfare such sidewalk shall not be made of less width than is so limited by such act or acts.

Repealer.

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

3. This act shall take effect immediately.

Approved March 21, 1899.

CHAPTER 68.

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

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

Vacancy in
boulevard
commission.

1. That in case a vacancy occurs in the said office of boulevard commissioner in any such county in this state, the governor of this state shall forthwith appoint a resident legal voter of said county to the position thus made vacant, who shall serve for the remainder of the unexpired term.

Repealer.

2. All acts and parts of acts inconsistent with this act be and they are hereby repealed.

3. This act shall take effect immediately.

Approved March 21, 1899.

CHAPTER 69.

A Supplement to an act entitled "An act concerning city hospitals, and providing for their enlargement, reconstruction and repair," approved May seventeenth, one thousand eight hundred and ninety-four.

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

1. It shall be lawful for the common council or other governing body of any city of this state acting pursuant to the provisions of the act to which this act is a supplement to appropriate and expend out of the proceeds of the sale of bonds authorized by said act any sum, not exceeding twenty-five thousand dollars, for the purpose of furnishing, re-furnishing and equipping the hospital buildings, property, apartments, and appurtenances of any hospital, enlarged or reconstructed pursuant to the provisions of the act to which this act is a further supplement.

Application of
portion of pro-
ceeds of bonds;

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

Repealer.

Approved March 21, 1899.

CHAPTER 70.

An Act to incorporate the borough of Palisades Park, in the county of Bergen.

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

1. The inhabitants of that portion of the township of Ridgefield, in the county of Bergen and state of New Jersey, hereinafter mentioned and described, are hereby cor

Corporate name.

stituted and declared to be a body corporate in fact and in law, by the name of the "Borough of Palisades Park," and shall be governed by the general laws of this state relating to boroughs.

Boundaries.

2. The boundaries of said borough shall be as follows: Beginning at the point of intersection of the northeasterly line of the borough of Cliffside Park and center line of the railroad of the Palisades Railroad Company as now located; thence (1) northeasterly, along said center line of the said railroad, to the point of intersection of said center line with the southwesterly line of the lands of J. V. and S. H. V. Moore; thence (2) northwesterly, along said southwesterly line of the lands of J. V. and S. H. V. Moore, and also continuing along the dividing line of lands of John S. and Samuel S. Edsall and the lands of J. V. and S. H. V. Moore, and the various courses thereof, to Overpeck creek, at the mouth of Edsall's creek, thence across Overpeck creek at right angles to axis of stream to the westerly low-water mark thereof, and to the easterly boundary line of the township of Overpeck; thence (3) southwesterly, along the westerly low-water mark of Overpeck creek, following the course thereof, and the easterly boundary of the township of Overpeck, to a point formed by the intersection of the westerly low-water mark of Overpeck creek and the northwesterly prolongation of the northeasterly line of the borough of Ridgefield, the same being the southwesterly line of the lands of John G. Edsall; thence (4) across said Overpeck creek to and along the northeasterly line of the borough of Ridgefield, and the northeasterly line of the borough of Cliffside Park, the said line being the dividing line between the boroughs of Ridgefield and Cliffside Park and the township of Ridgefield, and also the southwesterly lines of the lands of John G. Edsall and Catherine Elias, to the point or place of beginning.

3. This act shall take effect immediately.

Approved March 22, 1899.

CHAPTER 71.

An Act to repeal sundry acts relative to general assignments for the benefit of creditors.

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

1. The following acts and parts of acts are hereby repealed :

An act to secure to creditors an equal and just division of the estates of debtors who convey to assignees for the benefit of creditors [Revision], approved March twenty-seventh, one thousand eight hundred and seventy-four; Sundry acts repealed.

A supplement to an act entitled "An act to secure to creditors an equal and just division of the estates of debtors who convey to assignees for the benefit of creditors," approved March twenty-seventh, one thousand eight hundred and seventy-four, which supplement was approved March fourth, one thousand eight hundred and seventy-nine;

A supplement to an act entitled "An act to secure to creditors an equal and just division of the estates of debtors who convey to assignees for the benefit of creditors" [Revision], approved March twenty-seventh, one thousand eight hundred and seventy-four, which supplement was approved February twenty-third, one thousand eight hundred and eighty;

An act to amend an act entitled "An act to secure to creditors an equal and just division of the estates of debtors who convey to assignees for the benefit of creditors" [Revision], approved March twenty-seventh, one thousand eight hundred and seventy-four, which amendatory act was approved February twenty-first, one thousand eight hundred and eighty-four;

A supplement to an act entitled "An act to secure to creditors an equal and just division of the estates of debtors who convey to assignees for the benefit of creditors" [Revision], approved March twenty-seventh, one thousand eight hundred and seventy-four, which supplement was approved April fourth, one thousand eight hundred and eighty-four;

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Supplement to an act entitled "An act to secure to creditors an equal and just division of the estates of debtors who convey to assignees for the benefit of creditors," approved March twenty-seventh, one thousand eight hundred and seventy-four, which supplement was approved April fifteenth, one thousand eight hundred and eighty-four;

An act to amend an act entitled "An act to secure to creditors an equal and just division of the estates of debtors who convey to assignees for the benefit of creditors," which amendatory act was approved February fifteenth, one thousand eight hundred and eighty-six;

A supplement to an act entitled "An act to secure to creditors an equal and just division of the estates of debtors who convey to assignees for the benefit of creditors" [Revision], approved March twenty-seventh, one thousand eight hundred and seventy-four, which supplement was approved February thirteenth, one thousand eight hundred and eighty-eight;

A further supplement to an act entitled "An act to secure to creditors an equal and just division of the estates of debtors who convey to assignees for the benefit of creditors" [Revision], approved March twenty-seventh, one thousand eight hundred and seventy-four, which further supplement was approved March first, one thousand eight hundred and eighty-eight;

A further supplement to an act entitled "An act to secure to creditors an equal and just division of the estates of debtors who convey to assignees for the benefit of creditors" [Revision], approved March twenty-seventh, one thousand eight hundred and seventy-four, which further supplement was approved April twelfth, one thousand eight hundred and eighty-eight;

A supplement to an act entitled "A supplement to an act entitled 'An act to secure to creditors an equal and just division of the estates of debtors who convey to assignees for the benefit of creditors'" [Revision], approved March twenty-seventh, one thousand eight hundred and seventy-four, which supplement was approved February twenty-third, one thousand eight hundred and eighty, the said supplement hereby repealed having been approved March twenty-seventh, one thousand eight hundred and ninety-one;

A supplement to an act entitled "An act to secure to creditors an equal and just division of the estates of debtors who convey to assignees for the benefit of creditors"

[Revision], approved March twenty-seventh, one thousand eight hundred and seventy-four, which supplement was approved March tenth, one thousand eight hundred and ninety-three;

A further supplement to an act entitled "An act to secure to creditors an equal and just division of the estates of debtors who convey to assignees for the benefit of creditors" [Revision], approved March twenty-seventh, one thousand eight hundred and seventy-four, which further supplement was approved April twelfth, one thousand eight hundred and ninety-four;

An act to amend an act entitled "An act to secure to creditors an equal and just division of the estates of debtors who convey to assignees for the benefit of creditors" [Revision], approved March twenty-seventh, one thousand eight hundred and seventy-four, which amendatory act was approved April twenty-fourth, one thousand eight hundred and ninety-four;

A supplement to an act entitled "An act to secure to creditors an equal and just division of the estates of debtors who convey to assignees for the benefit of creditors" [Revision], approved March twenty-seventh, one thousand eight hundred and seventy-four, which supplement was approved March twenty-second, one thousand eight hundred and ninety-five;

An act limiting the time for commencing action against assignee of any person or persons making an assignment for the benefit of his or their creditors, approved March twelfth, one thousand eight hundred and eighty;

An act relative to assignments for the benefit of creditors, passed June first, one thousand eight hundred and eighty-six;

An act to amend an act entitled "An act to amend an act entitled 'An act to secure to creditors an equal and just division of the estates of debtors who convey to assignees for the benefit of creditors,' " which amendatory act was approved February fifteenth, one thousand eight hundred and eighty-six, the said supplement hereby repealed having been approved March twenty-sixth, one thousand eight hundred and ninety-six;

A supplement to an act entitled "An act to secure to creditors an equal and just division of the estates of debtors who convey to assignees for the benefit of creditors,"

approved March twenty-seventh, one thousand eight hundred and seventy-four, which supplement was approved March twenty-third, one thousand eight hundred and ninety-eight.

Action commenced not affected.

2. Nothing herein shall affect or impair any right vested or accrued, or any act done, or proceeding or suit commenced before this act takes effect; this act shall not operate to revive any act heretofore repealed.

Approved March 22, 1899.

CHAPTER 72.

An Act to amend an act entitled "An act to amend an act entitled 'A supplement to an act entitled "An act to authorize the incorporation of rural cemetery associations and regulate cemeteries," approved March twenty-third, one thousand eight hundred and eighty-three,'" which amendatory act was approved April twenty-fifth, one thousand eight hundred and ninety-four.

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

Section amended.

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

Number of cemeteries.

2. No more than three cemeteries shall be located or placed under and by virtue of said act to which this is a supplement, in any one city, township or town in any county of this state; *provided, however*, that nothing in this section shall prevent any cemetery association now incorporated from continuing, maintaining, enlarging and conducting any cemetery in any township of this state where such cemetery has been located and used for the past ten years successively; *and provided further*, that in any township of this state where the capacity of an existing cemetery is exhausted, so that no further plots can be purchased, an additional cemetery may be created or placed at not less than three miles from any other existing cemetery in said township, subject,

Proviso.

Proviso

however, to all laws or provisions thereof governing and regulating cemeteries in this state.

3. This act shall take effect immediately.

Approved March 22, 1899.

CHAPTER 73.

An Act to annex to the borough of North Spring Lake a part of the township of Wall, in the county of Monmouth.

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

1. All that portion of the township of Wall, in the county of Monmouth, and State of New Jersey, lying within the following boundaries, to wit: Beginning at a point where the north line of the borough of North Spring Lake touches low-water mark of the Atlantic ocean; thence (one) northerly, along low-water mark of the Atlantic ocean to a point due east of a point in the middle line and north end of the county bridge crossing the eastern end of Lake Como, being the southerly line of the borough of Belmar; thence (two) due west to said point in the middle and north end of said county bridge; thence (three) northwesterly, along the southerly line of the borough of Belmar, to a point in said southerly line one hundred and fifty feet due north from the north line of North Boulevard; thence (four) westerly, on a line one hundred and fifty feet north from the north line of North Boulevard and parallel thereto, to a point in the east side of F street; thence (five) southwesterly, sixteen hundred feet, more or less, to the intersection of the middle line of the New York and Long Branch railroad with the center line of its pipe or culvert through which the waters of Polypod bog and marsh are drained into Lake Como; thence (six) westerly, at right angles to the center line of the way of said railroad to a point distant two hundred feet westerly from the westerly side of said railroad way; thence (seven) southerly, parallel to the said westerly side or line of lands of said railroad to a point intersected by the prolongation of the northerly line

Portion of township set off and annexed.

of Ludlow avenue; thence (eight) easterly, on a line with the northerly line of said Ludlow avenue to the east line of the New York and Long Branch railroad; thence (nine) northerly, along the east line of said railroad to a point intersected by the prolongation of a line extended west parallel with and distant one hundred and fifty feet north from the north line of Worthington avenue; thence (ten) easterly, parallel with and distant one hundred and fifty feet north from the north line of said Worthington avenue, to the Atlantic ocean and place of beginning, is hereby set off from said township of Wall, in the county of Monmouth, and annexed to and made a part of the mayor and council of the borough of North Spring Lake, in said county.

2. This act shall take effect immediately.

Approved March 22, 1899.

CHAPTER 74.

An Act relating to boards of education in cities of the first class in this state, providing for their election and for the vacation of the offices of the members now serving and limiting their power in certain cases.

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

Boards of
education.

1. Hereafter boards of education in cities of the first class in this state shall consist of nine members to be elected in each city from the city at large without regard to ward lines.

Term of office.

2. At the first election held under the provisions of this act three members of such boards in each city shall be elected to serve for a term of one year, three for a term of two years and three for a term of three years, and thereafter three members to serve for a term of three years shall be elected annually.

Vacancies

3. Vacancies occurring in such boards by death, resignation or removal from the city, or from other cause, shall be filled by appointment by the mayor or other chief executive

officer of the city in which such vacancy may occur, such appointee or appointees to serve, however, only until the next ensuing charter election, at which election the vacancies thus occurring shall be filled by the election of a new member or members, to serve for the unexpired term or terms only.

4. Boards of education elected under the provisions of this act shall be substituted for and take the place of boards of education serving in such cities, and shall be clothed with all powers and perform all the duties imposed upon boards of education therein; and the terms of all members of such boards serving shall end and terminate whenever the members of such boards herein provided for shall have been elected and have qualified by taking the oath of office required by law; all resolutions or other action of such boards expending or appropriating money for the construction or repair of buildings or for supplies for such building shall, before the same takes effect, be presented to the mayor of the city, duly certified by the presiding officer of the board and the secretary or clerk thereof; if he approve of it he shall sign it; if not he shall return it with his objections to the board and file it with the secretary or clerk thereof within ten days after he has received it, and the board shall, at its first regular meeting thereafter, enter his objections at length on its journal and proceed to reconsider its action, and if two-thirds of the members of the board agree to pass the same it shall take effect; in every such case the vote shall be taken by ayes and nays and entered upon the journal; and if such resolution or action shall not be returned within the ten days as aforesaid it shall take effect in like manner as if he had signed it.

Substitution
of boards.

5. This act shall take effect immediately, but its provisions shall remain inoperative in any city, unless and until it has been submitted to the qualified voters of such city at a charter or general election to be held therein, and shall have been accepted by a majority of such voters voting thereon at such election; such submission shall be had and such vote taken in pursuance of any resolution of the board of aldermen, common council or other legislative body of any city to which the provisions of this act may apply, or by the proclamation of the mayor or other chief executive officer in such city, and such vote may be taken in conjunction with and at the same time that other municipal officers to be

Act inoperative
until submitted
to and approved
by voters.

electd in such city are voted for as provided by this act or otherwise; at least five days' public notice shall be given that such vote shall be taken, by public advertisements in two daily newspapers circulating in such city or by posting printed or written notices thereof in ten or more conspicuous places therein; if a majority of those who shall vote for the acceptance or rejection of this act shall be in favor of this act, then this act shall go into effect immediately in such city, and such city shall be bound by the terms of this act; persons entitled to vote at any charter or other election, where this question is submitted to them, shall express their assent or rejection of this act by depositing ballots in the boxes provided for depositing ballots at such election in the election precincts or places where elections are held therein; and those who are in favor of the acceptance of this act shall each deposit a ballot containing the words "for the acceptance of an act entitled 'An act relating to boards of education in cities of the first class of this state, providing for their election and for the vacation of the offices of the members now serving and limiting their power in certain cases,'" written or printed thereon, and those who are opposed to the acceptance of this act shall each deposit a ballot containing the words "against the acceptance of an act entitled 'An act relating to boards of education in cities of the first class of this state, providing for their election and for the vacation of the offices of the members now serving and limiting their power in certain cases,'" written or printed thereon; there shall be a canvass upon the return of the votes on this question, upon the acceptance or rejection, made by the election officers holding such election, in the same way and manner as for officers voted for at such election, and if a majority of the ballots upon which there shall be the words "for the acceptance of an act entitled 'An act relating to boards of education in cities of the first class of this state, providing for their election and for the vacation of the offices of the members now serving and limiting their power in certain cases,'" or for the rejection of an act entitled "An act relating to boards of education in cities of the first class of this state, providing for their election and for the vacation of the offices of the members now serving and limiting their power in certain cases," shall be found to be for the acceptance of this act, then, but not otherwise, this act shall go into effect in such city, and be binding upon such

Votes canvassed.

city wherein such vote is taken ; it shall be the duty of the city clerk in any city in which this act may be submitted to the legal voters to provide ballots sufficient in quantity for all such voters in such city, not less than five for each qualified voter, as the number of voters appear by the last preceding election, and make distribution thereof as far as practicable in the manner provided by law for the distribution of other ballots at such election ; all such ballots for the acceptance or rejection of this act shall be deposited in the ballot-boxes used at such election without being enclosed in any envelope, and shall be separate and distinct from the ballots used for the election of officers voted for at such election ; the members of the board of education to be voted for and elected under the provisions of this act shall be nominated in the same manner as the mayor of the city in which such election shall be held is required to be nominated.

6. And it shall be lawful for the qualified voters of such city at the same election at which such submission shall be made to vote for and to elect the members of the board of education therein as provided for by this act, but the election of such members of the board of education shall be null, void and of no effect unless and until the provisions of this act have been accepted by the qualified voters of such city voting thereon as herein provided.

Passed March 22, 1899.

Board of education may be chosen at same election.

CHAPTER 75.

An Act providing additional compensation to the volunteers of this state during the Spanish-American war, one thousand eight hundred and ninety-eight.

WHEREAS, During the civil war the state of New Jersey allowed and paid to the families of such of the married non-commissioned officers, musicians and privates as were mustered into the service of the United States from the militia of this state, the sum of six dollars per month, and to such of the unmarried non-commissioned officers,

Preamble.

musicians and privates as were mustered into such service, the sum of four dollars per month in addition to the pay allowed them by the federal government; and

Preamble

WHEREAS, It is just and fair that the volunteer soldiers serving in the late war with Spain, in the regiments of this state and in the divisions of the naval reserve of this state should receive a similar amount from the state of New Jersey;

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

Payment to certain volunteer soldiers.

1. There shall be paid to each of the non-commissioned officers, musicians, artificers, wagoners and privates who were married at the time they were enlisted in the service of the United States in the war with Spain, in any of the regiments of this state or in any of the divisions of the naval reserve of this state, at the rate of six dollars per month from the time of their enlistment and during the term of their service respectively, and to each of the non-commissioned officers, musicians, artificers, wagoners and privates who were unmarried at the time they were enlisted as aforesaid, at the rate of four dollars per month from the time of their enlistment and during the term of their service, respectively; *provided*, that in case of the death of any such enlisted man during the term of his service, or since his discharge, the amount so payable shall be paid to his widow, if he may have left a widow, and if not, then to his next of kin.

Proviso.

Assignment of pay not recognized.

2. No assignment of such state pay shall be recognized or be valid, but when this act becomes operative, soldiers may designate in writing some one to whom such payment may be made, under such regulations as may be established.

Payments; how made.

3. Payments under this act shall be made in the manner and form prescribed by law for payments to soldiers of the national guard, and under such additional regulations as may be ordered by the governor of this state.

No payment until appropriation is made.

4. This act shall take effect immediately, provided that no payments shall be made thereunder until the amount required therefor shall have been appropriated.

Approved March 22, 1899.

CHAPTER 76.

An Act to repeal sundry acts relating to associations not for pecuniary profit.

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

1. From and after the passage and adoption of this act, the following acts and parts of acts be repealed :

(1) An act to incorporate farmers' mutual aid and protective societies, approved May fifteenth, one thousand eight hundred and ninety-four ;

Sundry acts
repealed.

(2) An act to incorporate boat clubs and other associations for the promotion of athletic exercises, approved April twenty-first, one thousand eight hundred and seventy-six ; also the supplement to said act, approved February second, one thousand eight hundred and eighty-six ; also the further supplement to said act, approved March first, one thousand eight hundred and eighty-eight ; also the further supplement to said act, approved April second, one thousand eight hundred and eighty-eight ; also the further supplement to said act, approved March seventh, one thousand eight hundred and eighty-nine ; also the act amendatory to said last-mentioned supplement, approved April fourth, one thousand eight hundred and eighty-nine ; also a further supplement to said act, approved April eighteenth, one thousand eight hundred and eighty-nine, and also a further supplement to said act, approved May ninth, one thousand eight hundred and eighty nine ;

(3) An act authorizing the consolidation of corporations organized as yacht clubs and athletic clubs, approved April seventeenth, one thousand eight hundred and eighty-nine ;

(4) An act to incorporate state leagues, divisions, clubs, or associations of bicycle or athletic clubs and associations, approved June thirteenth, one thousand eight hundred and ninety ;

(5) An act relating to incorporated schuetzen associations of this state, approved March twelfth, one thousand eight hundred and seventy-seven ;

(6) An act relative to incorporated schuetzen associations, approved March fourteenth, one thousand eight hundred and seventy-nine ;

(7) An act to provide for the incorporation of associations of the bar of the state of New Jersey, approved February twenty seventh, one thousand eight hundred and seventy-seven ;

(8) An act to incorporate benevolent and charitable associations [Revision], approved April ninth, one thousand eight hundred and seventy-five; also the supplement thereto, approved April sixth, one thousand eight hundred and seventy six; also a further supplement thereto, approved March twelfth, one thousand eight hundred and seventy-eight; also a further supplement thereto, approved March twenty-ninth, one thousand eight hundred and seventy eight; also a further supplement thereto, approved April fifth, one thousand eight hundred and seventy-eight; also a further supplement thereto, approved March second, one thousand eight hundred and eighty-one; also a further supplement thereto, approved March twenty-second, one thousand eight hundred and eighty-six; also a further supplement thereto, approved March second, one thousand eight hundred and eighty-three; also a further supplement thereto, approved April twelfth, one thousand eight hundred and eighty six; also a further supplement thereto, approved April twenty-eighth, one thousand eight hundred and eighty six; also a further supplement thereto, approved April sixteenth, one thousand eight hundred and eighty-six; also a further supplement thereto, approved April seventh, one thousand eight hundred and ninety; also a further supplement thereto, approved April fourteenth, one thousand eight hundred and ninety; also a further supplement thereto, approved June thirteenth, one thousand eight hundred and ninety, and also a further supplement thereto, approved March twenty-ninth, one thousand eight hundred and ninety-two;

(9) An act entitled a further supplement to the act entitled an act to incorporate benevolent and charitable associations, approved March ninth, one thousand eight hundred and fifty-three, which further supplement was approved March twenty-fourth, one thousand eight hundred and seventy five ;

(10) A further supplement to the act entitled an act to incorporate benevolent and charitable associations, approved

March ninth, one thousand eight hundred and fifty three, which further supplement was approved March thirty-first, one thousand eight hundred and seventy-five ;

(11) A supplement to an act entitled an act to incorporate benevolent and charitable associations, approved March ninth, one thousand eight hundred and fifty-three, which supplement was approved April twentieth, one thousand eight hundred and seventy-six ;

(12) A supplement to an act entitled an act to incorporate benevolent and charitable associations, approved March ninth, one thousand eight hundred and fifty three, which supplement was approved April fifth, one thousand eight hundred and eighty six ;

(13) A supplement to an act entitled an act to incorporate benevolent and charitable associations, approved March ninth, one thousand eight hundred and fifty-three, which supplement was approved March nineteenth, one thousand eight hundred and seventy-eight ;

(14) An act concerning corporations constituted for benevolent and charitable purposes, approved March fifth, one thousand eight hundred and ninety ;

(15) An act for the formation of incorporated associations by the membership of fraternal societies in this state, approved February twenty-third, one thousand eight hundred and eighty-five ; also a supplement thereto, approved April twentieth, one thousand eight hundred and eighty five ;

(16) The seventh section of the act entitled "An act regulating fraternal beneficiary societies, orders or associations," approved March eleventh, one thousand eight hundred and ninety-three ;

(17) An act defining fraternal, beneficial and relief societies and their status, authorizing them to create subordinate lodges and to pay benefits, upon the sickness, disability or death of their members, from funds collected by dues and assessments therein, providing for their registration in the office of the insurance commissioner, and requiring that they shall make annual reports to him, and exempting them from taxation and from the supervision of the insurance commissioner, approved April twenty-third, one thousand eight hundred and ninety-four ;

(18) An act to incorporate societies for the training of young women for domestic service and providing homes for working women when out of employment or incapacitated

for work, approved April twentieth, one thousand eight hundred and eighty-six ;

(19) An act to authorize corporations organized for religious, educational or benevolent purposes to procure an increase of their capacity to acquire and hold real and personal property, approved March twenty-seventh, one thousand eight hundred and eighty-nine ;

(20) An act to incorporate building associations formed by knights of labor or other societies of organized labor, approved April eighteenth, one thousand eight hundred and eighty-nine ;

(21) An act for the incorporation of societies not for pecuniary profit, defining their powers and providing for the election of officers, the dissolution of such corporations, distribution of their property and the changing of their articles of association, approved March twenty-fourth, one thousand eight hundred and ninety-two ;

(22) An act to incorporate boards of trade or chambers of commerce, approved April fourth, one thousand eight hundred and seventy-eight ;

(23) An act to provide for the incorporation of boards of trade or chambers of commerce or associations for the development of the material interests of the commonwealth, approved April seventh, one thousand eight hundred and ninety ;

(24) An act to authorize the formation of associations and societies for the more effectual protection of game and game fish, approved March thirteenth, one thousand eight hundred and seventy-nine ;

(25) An act to enable granges of the order of patrons of husbandry to incorporate, approved April twenty-first, one thousand eight hundred and seventy-six ;

(26) An act to incorporate historic societies in this state, approved March twenty-seventh, one thousand eight hundred and seventy-eight ;

(27) An act to incorporate societies for the perpetuation of the history of the colony of New Jersey, and the other American colonies, and the memory of the men who assisted in the establishment and preservation of the said colonies, approved February twenty-sixth, one thousand eight hundred and ninety-five ;

(28) An act to provide for the incorporation of associations for the erection and maintenance of hospitals, infirmaries,

orphanages, asylums and other charitable institutions, approved March ninth, one thousand eight hundred and seventy-seven; also the supplement thereto, approved March first, one thousand eight hundred and eighty-eight; also the further supplement thereto, approved March thirtieth, one thousand eight hundred and eighty-nine; also the further supplement thereto, approved June twentieth, one thousand eight hundred and ninety; also the further supplement thereto, approved March ninth, one thousand eight hundred and ninety-one; also an amendment to said act, approved April sixteenth, one thousand eight hundred and ninety-one; also the further supplement to said act, approved March seventh, one thousand eight hundred and ninety-three;

(29) An act to further provide for filling vacancies caused by death or resignation in the boards of trustees of incorporated hospitals, approved March thirtieth, one thousand eight hundred and eighty-six;

(30) An act in relation to incorporated hospital associations, approved March sixteenth, one thousand eight hundred and eighty-seven;

(31) An act to further provide for the formation of a quorum in the boards of trustees of incorporated hospitals, approved March tenth, one thousand eight hundred and ninety-three;

(32) An act for the incorporation of societies for the aid of children and the prevention of cruelty to children, passed March fifth, one thousand eight hundred and ninety;

(33) An act to incorporate societies for the promotion of learning [Revision], approved April ninth, one thousand eight hundred and seventy-five; also the supplement to said act, approved March fourteenth, one thousand eight hundred and seventy-nine; also the further supplement to said act, approved March twelfth, one thousand eight hundred and eighty; also the further supplement to said act, approved March second, one thousand eight hundred and eighty-one; also the further supplement to said act, approved February twenty-fourth, one thousand eight hundred and eighty-two; also the further supplement to said act, approved March twenty-fifth, one thousand eight hundred and eighty-five; also an amendment to said act, approved February fifteenth, one thousand eight hundred and eighty-eight; also a further supplement to said act, approved March eleventh, one thousand eight hundred and ninety; also a further supplement

to said act, approved May twenty-third, one thousand eight hundred and ninety; also a further supplement to said act, approved March tenth, one thousand eight hundred and ninety-three; also a further supplement to said act, approved March eleventh, one thousand eight hundred and ninety-three, and also the further supplement to said act, approved March sixteenth, one thousand eight hundred and ninety-three, and also a further supplement to said act, approved April twelfth, one thousand eight hundred and ninety-four;

(34) A further supplement to an act entitled an act to incorporate societies for the promotion of learning, approved April sixteenth, one thousand eight hundred and forty-six, which supplement was approved March fourth, one thousand eight hundred and seventy-nine;

(35) An act to provide for the incorporation of associations for the erection and maintenance of schools and institutions for educational purposes, approved June third, one thousand eight hundred and ninety;

(36) An act to provide for the election of trustees of institutions of learning, approved June ninth, one thousand eight hundred and ninety;

(37) An act to incorporate associations for the establishment of lyceums, libraries and literary and scientific societies [Revision], approved April ninth, one thousand eight hundred and seventy-five; also the supplement thereto, approved April twenty-first, one thousand eight hundred and seventy-six; also a further supplement, approved March twelfth, one thousand eight hundred and eighty-four;

(38) An act concerning associations or incorporations for the establishment of lyceums, libraries and literary and scientific societies, approved April thirteenth, one thousand eight hundred and seventy-six;

(39) An act to incorporate and establish free public libraries in this state, passed April eighth, one thousand eight hundred and eighty-four;

(40) An act to provide for the incorporation of library associations, approved April twenty third, one thousand eight hundred and eighty-eight;

(41) An act to provide for the incorporation of pathological and anatomical associations for the advancement of medical and surgical science, approved March twenty-first, one thousand eight hundred and ninety-five;

(42) An act to incorporate associations for the erection and maintenance of monuments and statues, approved March nineteenth, one thousand eight hundred and seventy-eight; also the supplement thereto, approved February fourth, one thousand eight hundred and seventy-nine;

(43) An act to provide for the incorporation of associations for the promotion of art and for the erection of museums and monuments, approved March twenty-third, one thousand eight hundred and eighty-three; also the supplement thereto, approved March twenty-ninth, one thousand eight hundred and ninety-two;

(44) An act for the establishment of orphan asylums, approved March ninth, one thousand eight hundred and seventy-seven; also the supplement thereto, approved March sixth, one thousand eight hundred and eighty-six;

(45) An act concerning the election of trustees of orphan asylum associations, approved January twenty-ninth, one thousand eight hundred and seventy-nine;

(46) An act to incorporate the New Jersey pharmaceutical association, approved February eighteenth, one thousand eight hundred and seventy-four; also the supplement thereto, approved March seventh, one thousand eight hundred and eighty-eight;

(47) An act to incorporate colleges of pharmacy, approved May eighth, one thousand eight hundred and ninety-four;

(48) An act to incorporate a state poultry association of New Jersey, approved March twenty third, one thousand eight hundred and ninety-two;

(49) An act for the incorporation of park trustees, approved March fourteenth, one thousand eight hundred and ninety-five;

(50) An act to authorize the formation of societies for the protection of property, approved March thirteenth, one thousand eight hundred and fifty-one;

(51) An act to authorize the formation of societies for the more effectual prevention and detection of crime, approved March twentieth, one thousand eight hundred and seventy-eight;

(52) An act to authorize the formation of pursuing and detective companies, approved March twenty-ninth, one thousand eight hundred and seventy-eight; also the supplement thereto, approved February twenty-sixth, one thousand eight hundred and seventy-nine; also the further supple-

ment thereto, approved March second, one thousand eight hundred and eighty ;

(53) 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, approved February seventh, one thousand eight hundred and seventy-eight, and the supplement thereto, approved March fourteenth, one thousand eight hundred and seventy-nine ;

(54) An act to provide for the incorporation of conservatories of music and literature, approved March twenty-seventh, one thousand eight hundred and seventy-four ;

(55) An act to incorporate societies or clubs for social, intellectual and recreative purposes, approved March twenty-seventh, one thousand eight hundred and seventy-eight ; also the act amendatory thereof, approved February twentieth, one thousand eight hundred and eighty-six ; also the act amending the last mentioned amendatory act, approved April second, one thousand eight hundred and eighty-eight ; also a supplement approved April eighteenth, one thousand eight hundred and eighty-nine, to the said act,

approved March twenty-seventh, one thousand eight hundred and seventy-eight, and also a further supplement to said last-mentioned act, approved May second, one thousand eight hundred and ninety-four ;

(56) An act to authorize societies, clubs or associations having for its object the promotion of artistic taste in general and vocal music in particular, to take, hold, purchase, transfer, mortgage and convey real and personal estate, approved June thirteenth, one thousand eight hundred and ninety ;

(57) An act to incorporate societies for the promotion of veterinary science and art in this state, approved March eighteenth, one thousand eight hundred and eighty-five ;

(58) An act to incorporate the New Jersey society for the prevention of cruelty to animals, approved April third, one thousand eight hundred and sixty-eight ; also a supplement thereto, approved April first, one thousand eight hundred and sixty-nine ; also the further supplement thereto, approved March twenty-first, one thousand eight hundred and seventy-three ; also the act amendatory thereof, approved March twenty-seventh, one thousand eight hundred and ninety-three ; also the further act amendatory thereof,

approved March twenty-seventh, one thousand, eight hundred and ninety-three;

(59) An act to encourage the establishment of public libraries in any town or municipality in this state, and to provide for taking care of and perpetuating the same, approved May first, one thousand eight hundred and eighty-two; also the act amendatory thereof, approved February twenty first, one thousand eight hundred and eighty-eight;

2. Nothing herein contained shall impair or annul any vested rights, privileges or powers heretofore obtained and used under authority of said acts or any of them, and all corporations which have heretofore availed themselves of the provisions of said acts may continue to enjoy the rights and advantages which they now enjoy and exercise by virtue thereof.

Repeal not to affect vested rights.

Approved March 22, 1899.

CHAPTER 77.

An Act to regulate the granting of license to sell spirituous, vinous, malt and brewed liquors to corporations conducting and carrying on parks, picnic and pleasure grounds.

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

1. Any corporation duly incorporated under the laws of this state for the purpose of establishing and managing parks, picnic and pleasure grounds may be granted a license to sell spirituous, vinous, malt and brewed liquors within the boundaries of said park, picnic and pleasure grounds, by the body having authority to grant such license within the county, municipality or township in which such park, picnic and pleasure grounds are proposed to be kept.

License for sale of liquor in incorporated parks.

2. The application of any such corporation for such license shall be signed by at least twelve reputable freeholders of the city or township where such park, picnic and pleasure grounds are proposed to be kept, recommending the granting of such license; and the said application shall describe with

Application; how made, and contents.

certainty the boundaries of said park, picnic and pleasure grounds and shall state the number and location of the places within the boundaries of said park, picnic and pleasure grounds where said spirituous, vinous, malt and brewed liquors are to be sold; the said application shall be made, as far as the same may be applicable, pursuant to the requirements of the law regulating applications for license to keep an inn and tavern, and the court or other body granting such license shall impose a separate license fee for each of the places specified in such application.

License fee.

Penalty for violation.

3. Any such corporation licensed as above that shall sell or offer for sale any spirituous, vinous, malt and brewed liquors at any other place or places than those specified in said application, or shall sell or offer for sale any spirituous, vinous, malt and brewed liquors outside the boundaries of said park, picnic and pleasure grounds, or shall violate any other of the provisions of the laws of this state relative to the sale of spirituous, vinous, malt or brewed liquors, shall be guilty of a misdemeanor and the said license shall be revoked by the body which granted the same.

4. This act shall take effect immediately.

Passed March 22, 1899.

CHAPTER 78.

An Act to promote the horticultural interests of the state of New Jersey.

Preamble.

WHEREAS, The horticultural interests of this state need and deserve more public recognition and support, and hence are entitled to such material aid as will tend to stimulate and encourage the same; and

WHEREAS, The state board of agriculture, under act approved March thirty-first, one thousand eight hundred and ninety, is required to apportion to the state horticultural society three hundred dollars, which said sum has since been annually received, but is not sufficient, without private contributions, to properly conduct this organization; therefore,

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

1. The sum of seven hundred dollars be and the same is hereby appropriated annually out of any moneys in the state treasury not otherwise appropriated ; *provided*, that the said sum of seven hundred dollars, or so much thereof as may be deemed necessary, shall be included in the annual appropriation law. Appropriation.
Proviso.

2. The necessary expenses of conducting this organization shall be audited by its executive committee, approved by its president and attested by its secretary, and shall be presented to the comptroller of the state, who shall thereupon draw his warrant therefor upon the state treasurer, who shall pay the same out of any moneys not otherwise appropriated to the treasurer of the New Jersey state horticultural society. Expenses
audited; pay-
ment.

3. This act shall take effect immediately.

Approved March 22, 1899.

CHAPTER 79.

An Act to amend an act entitled "An act relating to courts having criminal jurisdiction and regulating proceedings in criminal cases," approved June fourteenth, one thousand eight hundred and ninety-eight (Revision of one thousand eight hundred and ninety-eight).

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

1. Section ninety-two of the act entitled "An act relating to courts having criminal jurisdiction and regulating proceedings in criminal cases," approved June fourteenth, one thousand eight hundred and ninety eight (Revision of one thousand eight hundred and ninety-eight), be amended so as to read as follows : Section
amended.

92. The several sheriffs, for transporting offenders to the state prison, shall be entitled to receive the following and no other compensation, to wit : Fee for trans-
porting
prisoners.

Proviso.

For each offender, twenty-three cents per mile; *provided, however*, that such compensation shall not be less than three dollars for each offender.

Amount certified
and paid.

Which sums shall be certified by the keeper of said prison, and said certificate shall be delivered to the county collector of the county in which such prisoner was sentenced, who shall, upon the delivery of such certificate, pay said sheriff the amount so certified out of any moneys in his hands not otherwise appropriated.

2. This act shall take effect immediately.

Approved March 22, 1899.

CHAPTER 80.

An Act authorizing the construction of tunnels for public roads and streets, under natural and artificial streams of water and railroads, by boards of chosen freeholders of counties in this state.

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

When tunnel
may be con-
structed by
freeholders.

1. Wherever any natural or artificial waterway or railroad, or both waterway and railroad, shall obstruct and hinder the continuation of any public road or street in this state, said waterway or railroad, or both, being elevated considerably above the level of said public road or street, and, in the judgment of the board of chosen freeholders of the county wherein said waterway or railroad, or both, are located, it shall be for the safety and convenience of the people of said county to have said public road or street continued so as to be free from the obstruction and hindrance of said waterway or railroad, or both; it shall and may be lawful for the board of chosen freeholders of such county to build, erect and construct a tunnel or tunnels under any such natural or artificial waterway or railroad, or under both together; and said board of chosen freeholders shall have power, and are hereby authorized to erect, build and construct said tunnel or tunnels, to have plans and specifica-

tions made therefor, and to award contracts for the construction of the same; and said board shall have complete supervision and charge of the building, erection and construction of such tunnel or tunnels; *provided, however*, that the public road or street aforesaid mentioned as being obstructed shall be a public road or street, and properly opened, improved and laid out before any such tunnel shall be constructed; *and provided, also*, that this act shall in nowise affect the duty now or hereafter imposed by law upon any railroad or canal company to erect any bridge or bridges, tunnel or tunnels over or under any street, road or waterway.

Proviso.

2. The said board of chosen freeholders shall have full control and power, not only to construct any such tunnel or tunnels, but to maintain the same, and the same authority and method of procedure are hereby given to the board of chosen freeholders of each county for the said purpose as are now given to said boards by the act entitled "An act respecting bridges," approved April tenth, one thousand eight hundred and forty-six, and the several supplements thereto, and by the various "miscellaneous bridge acts" now in existence.

Freeholders to have full control of tunnel.

3. It shall be lawful for the board of chosen freeholders in any county in this state, erecting, building and constructing any such tunnel or tunnels as aforesaid, for the purpose thereof, to issue bonds in the corporate name and under the corporate seal of any county, signed by the director and the clerk of the board of chosen freeholders of any such county, and countersigned by the county collector thereof, to be denominated on their face "tunnel bonds," to an amount not exceeding thirty thousand dollars; such bonds may be registered as coupon bonds, and shall bear a rate of interest not exceeding five per centum per annum, payable half-yearly, and shall be redeemable not exceeding ten years from their date, in the discretion of the board of chosen freeholders of any county; which bonds shall be sold at public sale for the best price they can obtain for the same, but shall not be sold for less than their par value; and all 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.

"Tunnel bonds" issued.

Provision for
paying bonds.

4. The board of chosen freeholders of any county that shall issue bonds by virtue of this act 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 as other taxes are assessed and collected in such county, a sum of money sufficient to pay the interest on the said bonds as the same shall become due and payable, and to pay and discharge the principal at the several times it shall become due and payable.

5. This act shall take effect immediately.

Approved March 22, 1899.

CHAPTER 81.

An Act to repeal an act entitled "An act for the preservation of muskrat fur," passed January twenty-first, one thousand eight hundred and twenty nine.

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

Repealer.

1. The act entitled "An act for the preservation of muskrat fur," passed the twenty first day of January, one thousand eight hundred and twenty-nine, be and the same is hereby repealed.

Approved March 22, 1899.

CHAPTER 82.

An Act respecting the representation of incorporated towns
in boards of chosen freeholders.

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

1. All incorporated towns of this state, whose territory is
not a part of any township, shall be entitled to be repre-
sented by not less than two freeholders in the board of
chosen freeholders of the counties in which they are respect-
ively situated. Freeholders of
incorporated
towns.

2. All acts and parts of acts inconsistent herewith are
hereby repealed, and this act shall be a public act and take
effect immediately. Repealer.

Approved March 22, 1899.

CHAPTER 83.

An Act to amend "An act respecting the orphans' court,
and relating to the powers and duties of the ordinary and
the orphans' court and surrogates" (Revision of one thou-
sand eight hundred and ninety-eight), approved June
fourteenth, one thousand eight hundred and ninety-eight.

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

1. Section one hundred and sixty-nine of the act entitled
"An act respecting the orphans' court, and relating to the
powers and duties of the ordinary and the orphans' court
and surrogates" (Revision of one thousand eight hundred
and ninety-eight), approved June fourteenth, one thousand
Section
amended.

eight hundred and ninety-eight, be and the same is hereby amended so that said section shall read as follows :

Manner of
distribution.

169. The whole surplusage of the goods, chattels and personal estate of every person dying intestate shall be distributed in manner following, that is to say :

If there be
widow and
children.

I. One-third part of the said surplusage to the widow of the intestate, and all the residue, by equal portions, to and among the children of such intestate, and such persons as legally represent such children, in case any of the said children be then dead, other than such child or children, who shall have any estate by the settlement of the intestate, or shall be advanced by the intestate in his lifetime, by portion or portions equal to the share which shall, by such distribution, be allotted to the other children to whom such distribution is to be made ; and in case any child shall have any estate by settlement from the said intestate, or shall be advanced by the said intestate, in his lifetime, by portion not equal to the share which will be due to the other children, by such distribution as aforesaid, then so much of the surplusage of the estate of such intestate shall be distributed to such child or children as shall have any land by settlement from the intestate, or were advanced in the lifetime of the intestate, as shall make the estate of all the said children to be equal, as near as can be estimated ;

Settlements or
advances to be
equalized.

If widow, but
no children.

II. In case there be no children, nor any legal representative of them, then one moiety of the said estate shall be allotted to the widow of the said intestate, and the residue of the said estate shall be distributed equally to every of the next of kindred of the intestate, who are in equal degree, and those who represent them ;

Children, but
no widow.

III. And in case there be no widow, then all the said estate to be distributed equally to and among the children ; and in case there be no child, then to the next of kindred, in equal degree, of or unto the intestate and their legal representatives as aforesaid ;

Estate of
deceased child ;
how divided.

IV. If, after the death of a father, any of his children shall die intestate, without wife or children, in the lifetime of the mother, every brother and sister, and the representatives of them, shall have an equal share with her, anything in this act or any law to the contrary notwithstanding ;

When illegitimate child represents mother.

V. If the mother of any illegitimate child or children shall die without leaving a husband surviving her, and leaving no lawfus issue, or the issue of any, then the

surplusage of her goods, chattels and personal estate shall be paid to her illegitimate child or children ;

VI. The whole surplusage of the goods, chattels and personal estate of any illegitimate person who shall die intestate and unmarried, and leaving no lawful issue, or the issue of any, him or her surviving, shall go to and be paid over to the mother of such illegitimate person ;

Estate of illegitimate person to go to mother.

VII. If any person shall have heretofore died intestate, leaving a widow, but without leaving any other kindred or relatives who could take or be entitled to his personal estate under the law in force at the time of his decease, and his estate be undistributed at the time of the passing of this act, or if any person shall hereafter die intestate, leaving a widow, and without leaving any other kindred or relatives, then and in such cases all the personal estate of such person so dying, after payment of his debts, shall be given and belong to his widow so surviving him, or in case of her death intestate, to her next of kin, as if she had received said estate before her death ;

In case of widow but no kindred.

VIII. If any person has died or shall die intestate, leaving no widow and no known kindred or relatives, the administrator or administrators of his estate shall, at the expiration of one year after the death of such intestate, put the surplus of said estate, after payment of debts and necessary expenses, out at interest, and pay the net interest or income thereof annually to the treasurer of the township or city in which said intestate has so died or shall so die, to and for the use of the poor of said township or city, and shall, whenever applied to for that purpose, pay the principal of such personal estate, if thereto required by the judgment or decree of any court of competent jurisdiction, within seven years next after the decease of such intestate, to his or her legal representative or representatives applying for the same, by assigning to him, her or them the bond or other security therefor, or by otherwise satisfying him, her or them for the same ; and if no person or persons legally entitled to the personal estate of such intestate shall, within the said seven years next after his or her decease, make application as aforesaid to such administrator or administrators for the said principal, he, she or they so entitled shall forever thereafter be debarred from all right, title or claim to such decedent's personal estate, and the said administrator or administrators shall, immediately after the expiration of the said seven

Intestate leaving no relation.

Surplus put at interest and paid to city or township.

If not applied for in seven years, principal to go to city or township for use of the poor.

Proviso.

years, pay the whole of the said principal, with the interest that may then be due thereon, to the treasurer of the township or city in which said intestate died, to and for the use of the poor of the said township or city; *provided, always*, that the right of foreigners, by treaty or otherwise, shall not be affected by anything in this section contained.

Repealer.

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

Approved March 22, 1899.

CHAPTER 84.

A Further Supplement to "An act relating to and providing for the government of cities in this state containing a population of less than twelve thousand inhabitants," approved March twenty-fourth, one thousand eight hundred and ninety-seven.

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

Purchase of
private sewers
for public use.

1. Whenever, in the judgment of the common council of any city in this state incorporated or operating its government under the provisions of the act to which this is a supplement, shall deem it necessary or expedient for the public health for said city (having no public sewer system of its own) to purchase any sewer system therein owned and operated by private individuals, persons or corporations, it shall be lawful for said city to purchase said sewer system located and operated therein, at a cost not to exceed sixty thousand dollars; *provided, however*, that before any system of sewers is purchased under the provisions of this act, that a resolution shall first be adopted by the council, which said resolution shall designate the streets in which the same are operated, and all the rights and interest which the city is to acquire under said purchase and the amount to be paid for the same, which shall not exceed the sum of sixty thousand dollars aforesaid; *provided, further*, that before said sewer system is

Proviso.

Proviso.

purchased, that the resolution adopted by the common council as aforesaid shall be submitted to the electors of said city, at an election to be held for that purpose, of which election ten days' previous public notice shall be given of the purpose, time and place of holding the same by the clerk of said city, which said notice shall be published in one or more of the newspapers published and circulating therein, which said election shall be conducted in the same manner, and by the same officers as the general elections of said city are conducted for the election of municipal officers; that the ballots for said election shall be provided by the said city, at the city's expense; and those in favor of the purchase of the sewer system shall have stamped thereon "for the purchase of a sewer system"; and those against the purchase of a sewer system shall have stamped thereon "against the purchase of a sewer system."

2. If the majority of the legal votes cast at said election shall be in favor of said resolution, then the governing body of said city shall have the power and authority to issue the bonds of said city for the sum designated in said resolution, said bonds to bear a rate of interest not exceeding five per centum, payable semi-annually; the principal thereof to be payable in thirty years, or sooner, at the option of said city, which said bonds shall not be sold, under any circumstances, for less than their par value.

If approved by voters, bonds may be issued.

3. At least one-twentieth of the principal sum of said bonds shall be raised each year by special tax, on the taxable property of said city, and shall be applied in payment of the principal and interest of said bonds, as the same shall fall due, and for no other purpose.

Part payment of bonds.

4. Should no bonds or interest be due on which to pay said money, as the same shall be raised, then, in that case, the said city authorities shall appoint three persons from their number as sinking fund commissioners, who shall give bonds for the faithful performance of their duty in such sum as the council shall direct; said commissioners shall have power and authority to invest said money in such manner, and for such time as they shall deem for the best interests of said city, subject, however, to the approval of the city authorities.

Sinking fund commissioners.

5. When the council shall deem it proper to acquire any sewer system as aforesaid for the public good, and the said council cannot agree with the owner or owners of the same,

In case of non-agreement with owners.

Commissioners
appointed ;
their duties.

Report.

as to the price and terms of the purchase thereof, or when by legal incapacity, official position, or absence of such owner or owners, no agreement can be made for the purchase thereof, a description of the sewer plant and system so desired, with the name of the owner or owners thereof, if any there be, and all other persons interested, if known, and their residences, shall be presented to one of the justices of the supreme court of this state, who shall thereupon cause such council to give notice thereof to the persons interested, if known and in this state, or if unknown or cannot be found, or out of the state, to make publication thereof, as he shall direct, for any period not less than ten days, and assign a particular time and place for the appointment of commissioners, at which time, upon satisfactory evidence to him of the service or publication of such notice, he shall appoint, under his hand, three impartial and judicious freeholders, resident in this state, to examine and appraise the said sewer system, rights, privileges and appurtenances connected therewith, and assess the damages, upon such notice to be given to the persons interested, as shall be directed by the justice making such appointment, not less than ten days; and it shall be the duty of such commissioners (having first taken and subscribed an oath or affirmation, before some person authorized to administer the same, faithfully and impartially to examine the matter in question, and to make a true report and appraisement as aforesaid, in writing, according to the best of their skill and understanding) to meet at the time and place appointed, and to proceed to view the said sewer system, with its appurtenances, and to make a just and equitable appraisement and assessment as aforesaid, to be paid by the said city, which report shall be made under the hands of the said commissioners, or any two of them, and within fifteen days thereafter, together with the description of said sewer system, and rights therein; and the appointment and oath or affirmation aforesaid shall be filed in the clerk's office of the county wherein such city is situated, to remain of record therein; and thereupon, and on payment or tender of payment of the amount so awarded to the party or parties entitled thereto, the council of said city is authorized and empowered to enter upon and take possession of said sewer system, with its rights, appurtenances, franchises and privileges appertaining thereto, and all titles thereto for which the same is taken, shall, upon payment or tender of pay-

ment, pass from the said owner or owners and parties interested to said city; *provided always*, that should the said city, or the owner or owners of said sewer system, or other parties having an interest therein, feel aggrieved by the report and award of said commissioners, they or either of them may appeal from the said appraisal and award, in respect to their interest therein, to the circuit court of the county wherein the said sewer system is situate.

Proviso.

6. Every appeal from the appraisal and award of the said commissioners shall be made in the form of a petition to the said court, and notice thereof shall be given to the other parties, within fifteen days after the filing of the commissioners' report and award, which proceedings shall vest in the circuit court the authority and power to hear and determine the question of the value of the said sewer system, with its appurtenances and the damages sustained, if any; and thereupon the said court shall direct a proper issue to be framed between the said parties for the trial of the said question, and order a jury to be struck for the trial of the same, and a view to be had of the said sewer system by said jury, and the said issue shall be tried upon like notice and in like manner as other issues of fact are tried in said court; and it shall be the duty of the said jury to assess the value of the said sewer system, with its appurtenances in question, and the damages sustained; and the party or parties appealing shall recover costs in said suit, if they shall succeed at the trial on the appeal in changing the valuation or assessment in his, her or their favor, and shall pay costs if they shall fail so to do; but no appeal shall prevent the said city from taking said sewer system, with its appurtenances, upon the filing of the commissioners' report and award, and payment or tender of payment to the parties of the amount thereof, as hereinbefore provided; that upon the verdict of the jury, fixing the value of the sewer system, with its appurtenances, the court shall enter judgment for the amount thereof, with or without interest and costs, according to the principles of law applicable to the trial of similar issues in other cases; and the judgment so entered shall be the sum which the owner or owners and other persons interested are entitled to have from the said city for the said sewer system and appurtenances, and may be enforced in manner and form similar to other cases in which judgment is pronounced in said court.

Appeal from
commissioners'
report.

Exception to
limit of bonded
indebtedness.

7. Said city shall have the right to purchase said sewer system, or take the same by condemnation, as aforesaid, notwithstanding the provisions contained in section seventy of the act to which this is a supplement, limiting the amount of its total bonded indebtedness to a certain per centum on the taxable value of the property rated for assessment, the provisions of which said section shall not apply to any city purchasing a sewer system under this act, so far as said provisions would limit or prohibit said purchase.

8. This act shall take effect immediately.

Approved March 22, 1899.

CHAPTER 85.

An Act to punish persons who unlawfully obtain electric power.

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

Tampering with
or obtaining elec-
tric current with-
out authority a
misdemeanor.

1. Whoever shall without permission or authority connect or cause to be connected by a wire or wires, or by any other device with the wires, cables or conductors of any electric company for the purpose of obtaining electric current for light, heat or power; or, whoever shall, without permission or authority, connect or cause to be connected by wires or other devices any meter or meters erected or set up for the purpose of registering or recording the amount of electric current supplied to any customer by any electric company within this state, or change or shunt the wiring leading to or from any such meter, or by any device, appliance or means whatsoever tamper with any such meter in such manner that such meter or meters will not measure or record the full amount of electric current supplied to such customer, shall be guilty of a misdemeanor, and on conviction thereof shall be punished by a fine not exceeding five hundred dollars, or imprisonment at hard labor for any term not exceeding six months, or both; *providing*, that nothing herein contained shall be deemed to affect the right of any person or corporation to recover by an action at law damages for any injury

Penalty.

Proviso.

done by such unlawful connection for the loss of electric power.

2. This act shall take effect immediately.

Approved March 22, 1899.

CHAPTER 86.

A Supplement to an act entitled "An act to repeal sundry acts relative to crimes," approved June fourteenth, one thousand eight hundred and ninety-eight.

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

1. From and after the passage and adoption of this act the following acts and parts of acts be repealed: Sundry acts repealed.

(1) "An act making it a criminal offense to manufacture or sell, or import already manufactured for sale, any adulterated or spurious liquors in the state of New Jersey," approved April sixth, one thousand eight hundred and seventy-one;

(2) "An act relating to the transportation of explosive and dangerous material," approved March seventeenth, one thousand eight hundred and seventy-four;

(3) "A further supplement to an act entitled 'An act for the punishment of crimes,'" approved March seventeenth, one thousand eight hundred and seventy-four;

(4) "An act to regulate the manufacture in this state of nitro-glycerine and its compounds," approved March twenty-first, one thousand eight hundred and seventy-four;

(5) "An act to prevent the defacement of natural scenery," approved March twenty-sixth, one thousand eight hundred and seventy-four;

(6) "An act against the unlawful taking of certain animals," approved March sixteenth, one thousand eight hundred and seventy-six;

(7) "An act to regulate the sale and keeping of inflammable and explosive fluids," approved April twenty-first, one thousand eight hundred and seventy-six;

(8) "An act to prevent the willful pollution of the waters of any of the creeks, ponds or brooks of this state," approved April twenty-first, one thousand eight hundred and seventy-six ;

(9) "An act to prevent the deposit of mud, earth, soil, ashes or refuse on the New Jersey shore of the Hudson river," approved March ninth, one thousand eight hundred and seventy-seven ;

(10) "A supplement to an act entitled 'An act concerning crimes,' approved March twenty-seventh, eighteen hundred and seventy-four," approved March nineteenth, eighteen hundred and seventy-eight ;

(11) "A supplement to an act entitled 'An act to prevent the willful pollution of the waters of any of the creeks, ponds or brooks of this state,' approved April twenty-first, one thousand eight hundred and seventy-six," approved February twenty-seventh, one thousand eight hundred and eighty ;

(12) "A supplement to 'An act for the punishment of crimes,' approved March twenty-seventh, one thousand eight hundred and seventy-four," approved February fifth, one thousand eight hundred and eighty-one ;

(13) "An act to amend 'An act to prevent trespass on railroad cars or trains,' approved April fifth, one thousand eight hundred and seventy-eight," approved March second, one thousand eight hundred and eighty-one ;

(14) "An act to prevent the spread of contagious diseases of animals," approved March twenty-third, one thousand eight hundred and eighty-three ;

(15) "A supplement to 'An act for the punishment of crimes,' approved March twenty-seventh, one thousand eight hundred and seventy-four," approved April eighth, one thousand eight hundred and eighty-seven ;

(16) "A further supplement to an act entitled 'An act for the punishment of crimes' (Revision), approved March twenty-seventh, one thousand eight hundred and seventy-four," approved April twenty-eighth, one thousand eight hundred and eighty-seven ;

(17) "An act to regulate the sale of distilled and malt liquors," approved February fifteenth, one thousand eight hundred and eighty-eight ;

(18) "An act for the better protection of homing pigeons,"

approved February twenty-first, one thousand eight hundred and eighty-eight ;

(19) "An act to regulate the sale of baled hay and straw in the state of New Jersey," approved June third, one thousand eight hundred and ninety ;

(20) "A supplement to an act entitled, 'An act for the punishment of crimes,' approved March twenty-seventh, one thousand eight hundred and seventy four," approved June thirteenth, one thousand eight hundred and ninety ;

(21) "An act relating to the unsealing and recording of bids for public work or supplies by managers of state institutions and by governing bodies of counties or cities of this state, and providing penalties for neglect of same," approved May fourteenth, one thousand eight hundred and ninety-four ;

(22) "An act to regulate the practice of law before any law or president judge of the inferior court of common pleas or county judge," approved March twenty-fifth, one thousand eight hundred and ninety five.

2. The repeal of the above-stated acts and parts of acts shall not be construed to revive any act or part of any act which may have been repealed by any of the acts hereby repealed ; and no indictment or other criminal proceeding of any nature shall abate by reason of the repeal of said acts or parts of acts, but all proceedings on any indictment now pending, and every criminal proceeding of every nature, shall proceed as if this act had not been passed.

Construction
of repealer.

3. All statutes and parts of statutes which were repealed or abrogated by or were repugnant to any law hereby repealed shall continue to be so repealed, and shall be deemed abrogated.

Statutes repug-
nant hereto
abrogated.

4. Nothing contained in this act shall apply to any crime or offense committed, or other act done at any time before the day when this act takes effect ; such crime or offense shall be punished according to, and such act governed by, the provisions of law existing when it was done or committed in the same manner as if this act had not been passed.

Offenses com-
mitted pre-
viously governed
by then existing
laws.

5. No offense committed, and no liability, penalty or forfeiture incurred previous to the time when any statutory provision shall be repealed by this act, shall be discharged or affected by the repeal of any statute under which such offense, liability, penalty or forfeiture was incurred ; and indictments and prosecutions for such offenses, liabilities,

Liabilities in-
curred previous-
ly proceeded
with as if law
were not
repealed.

penalties and forfeitures shall be instituted, and be proceeded with in all respects as if such prior statute had not been repealed.

6. This act shall take effect immediately.

Approved March 22, 1899.

CHAPTER 87.

An Act to amend an act entitled "An act for the punishment of crimes" (Revision of one thousand eight hundred and ninety-eight), approved June fourteenth, one thousand eight hundred and ninety-eight.

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

Section
amended.

1. Section thirty-seven of the act entitled "An act for the punishment of crimes" (Revision of one thousand eight hundred and ninety-eight), approved June fourteenth, one thousand eight hundred and ninety-eight, be and the same is hereby amended to read as follows :

Conspiracy.

37. Any two or more persons who shall combine, unite, confederate, conspire or bind themselves by oath, covenant, agreement or other alliance to commit any crime, or falsely and maliciously to indict another for any crime, or to procure another to be charged or arrested for any crime, or falsely to move and maintain any suit, or to cheat and defraud any person of any property by any means which are in themselves criminal, or to cheat and defraud any person of any property by any means which, if executed, would amount to a cheat, or to obtain money by false pretences, or to conceal or spread any contagious disease, or to commit any act for the perversion or obstruction of justice or the due administration of the laws, shall, on conviction, be deemed guilty of a conspiracy, and be liable to the same penalty as persons convicted of a misdemeanor; but no agreement to commit any crime other than arson, burglary, manslaughter, murder, rape, robbery or sodomy shall be deemed a conspiracy unless some act in execution of such

agreement be done to effect the object thereof by one or more of the parties to such agreement.

2. Section fifty-eight of the act entitled "An act for the punishment of crimes" (Revision of one thousand eight hundred and ninety-eight), approved June fourteenth, one thousand eight hundred and ninety-eight, be and the same is hereby amended to read as follows :

Section
amended.

58. Any person who shall advertise, either directly or by indirect, covert or suggestive language, any lottery company, or the place and manner at or in which the tickets, slips or advertisements of any lottery company can or may be procured, or shall bring into this state, or print or distribute herein any such advertisements, or who shall knowingly be engaged as a messenger, clerk or copyist, or in any other capacity in or about any office or room in any building or place where lottery slips or copies of numbers or lists of drawings of any lottery drawn, or alleged to be drawn, anywhere within or without this state shall be printed, kept or used in connection with the business of lottery or lottery-policy, so called, or any person who shall knowingly have in his or her possession any paper, document, slip or memorandum that shall pertain in any way to the business of lottery-policy, so called, or any owner or owners of any building or place where any business of lottery or lottery-policy, so called, shall be carried on, who shall knowingly by himself, or his agent, permit such premises to be so used, shall be guilty of a high misdemeanor.

Advertise or
aid lottery.

3. This act shall take effect immediately.

Approved March 22, 1899.

CHAPTER 88.

An Act to amend an act entitled "An act relating to courts having criminal jurisdiction and regulating proceedings in criminal cases (Revision of one thousand eight hundred and ninety-eight)," approved June fourteenth, one thousand eight hundred and ninety-eight.

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

Section
amended.

1. Section fifty-nine of the act entitled "An act relating to courts having criminal jurisdiction and regulating proceedings in criminal cases (Revision of one thousand eight hundred and ninety-eight)," approved June fourteenth, one thousand eight hundred and ninety-eight, be and the same is hereby amended to read as follows :

Stricken in one
county, death
in another.

59. Whenever any person shall be feloniously stricken or poisoned in one county and shall die of the same stroke or poisoning in another county, an indictment thereof, found either in the county where such person shall be feloniously stricken or poisoned, or in the county where the death shall happen, or shall have happened, shall be as good and effectual in the law as if the stroke or poisoning had been given, committed or done and the death had happened all in one and the same county where such indictment shall be found ; and the judges of the court of oyer and terminer in the county where such indictment shall be found and the justices of the supreme court where such indictment shall be taken or removed before them shall and may proceed upon the same in all points as they might or could do in case such felonious stroke and death thereby ensuing had been committed and had happened all in one and the same county.

2. This act shall take effect immediately.

Approved March 22, 1899.

JOINT RESOLUTION NO. 2.

Joint Resolution in relation to medals for the New Jersey volunteers during the Spanish-American war, one thousand eight hundred and ninety-eight.

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

1. The governor be and he is hereby authorized to cause a medal to be prepared and presented to each of the honorably discharged officers and men of the New Jersey volunteers in the Spanish-American war, one thousand eight hundred and ninety-eight, to commemorate their services to their country during this eventful period, the cost not to exceed five thousand dollars.

Medal for soldiers of Spanish-American war.

Approved March 22, 1899.

 CHAPTER 89.

A Supplement to an act entitled "An act relating to courts having criminal jurisdiction and regulating proceedings in criminal cases" (Revision of one thousand eight hundred and ninety-eight), approved June fourteenth, one thousand eight hundred and ninety-eight.

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

1. Any person charged by indictment with any offense triable by law before the court of quarter sessions may waive trial by jury and request to be tried before the court of special sessions in and for the county wherein such indictment shall have been found; and when such person shall, in writing signed by him or her, addressed to the prosecutor of

Person indicted may waive trial by jury and be tried before court of special sessions.

Duty of prosecutor; proceedings.

the pleas of such county where such offense was committed, waive trial of such indictment by jury, and request to be tried without a jury before the court of special sessions, the prosecutor of the pleas shall report such fact to the judge of said court of special sessions, and unless the judge of said court of special sessions shall think the public interests will be benefited by denying said request, the said judge shall, with all due and reasonable speed, proceed to hold a session of said court of special sessions, and to try the person so charged upon such indictment, and to determine or adjudge his or her guilt or innocence, and full power and authority so to do is hereby conferred upon said court, and to order said indictment filed in said court for that purpose; it shall be the duty of the prosecutor in person or by deputy to attend said trial; the proceedings for bringing such person before said court for trial, subpoenaing of witnesses, his or her plea and trial, shall be in conformity with the law and like proceedings in the court of quarter sessions; if the person so tried be acquitted by said court, he shall be forthwith discharged; if he shall plead guilty or be convicted, said court shall render and record against him such judgment of imprisonment, or fine, or both, as would be lawful if such person had pleaded guilty or been convicted on indictment in the court of quarter sessions.

Verdict of jury taken by clerk.

2. The court in which any criminal case is tried before a jury, except in a capital case, may direct the verdict of the jury to be taken by the clerk or his representative in open court, in the absence of the judge or judges of the court, and the judge may order that the court remain open for that purpose, and any such verdict shall be as good and effectual as if the same were given in the presence of the judge or judges; and on the request of the defendant or his counsel, or the state, the jury may be polled by the clerk or his said representative, and the verdict taken as though in open court before the judge or judges.

3. This act shall take effect immediately.

Approved March 22, 1899.

CHAPTER 90.

An Act to provide for the removal of snow and ice, grass, weeds and other impediments from the sidewalks and gutters of streets and avenues in municipalities of this state.

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

1. The governing bodies of all municipal corporations in this state are hereby authorized and empowered to require, by ordinance or ordinances, the owner or owners, tenant or tenants of lands abutting or bordering upon the sidewalks and gutters of public streets, avenues and highways, to remove all ice and snow from the same within twelve hours of daylight after the same shall be formed or fall thereon, and all grass, weeds and other impediments therefrom within three days after notice to remove the same, and to provide and enforce the same by such reasonable penalties for the violation thereof, not exceeding five dollars for each offense, as to them shall seem best.

Removal of snow, etc., from sidewalks and gutters by owners, etc.

2. The said governing bodies are further authorized and empowered to provide, by ordinance or ordinances, for the removal of snow, ice, grass, weeds and other impediments from sidewalks and gutters by or under the direction of the police department, street superintendent, or other officer or person having charge of the streets and avenues in such municipality, when the owner or owners, tenant or tenants shall have refused or neglected to remove the same in the manner provided for in section one hereof.

Municipalities may remove snow, etc., from sidewalks and gutters.

3. The said governing bodies are further authorized and empowered to provide, by ordinance, that in the event of the removal of such snow, ice, grass, weeds or other impediments as provided for in section two hereof, the cost thereof, as nearly as can be ascertained, shall be charged upon the books of such municipalities against the lands abutting upon or bordering the said sidewalks and gutters, and, with interest thereon, shall forthwith become a lien on said lands, and shall

Expense of removal to form part of taxes; a lien.

be added to and form a part of the taxes next to be assessed and levied upon such lands, and shall be certified to the person or persons whose duty it is to collect the taxes for such municipality for that purpose and be collected in the same manner as other taxes.

Does not affect
ordinances
already existing.

4. Nothing herein contained shall be construed or held to repeal or affect any ordinance or ordinances of any municipality within this state which now provide other penalties for neglecting to remove snow, ice, grass, weeds or other impediments or the time for so doing, and all ordinances in accordance herewith are hereby validated, ratified and confirmed, provided they have been regularly passed and adopted.

5. This act shall take effect immediately.

Approved March 22, 1899.

CHAPTER 91.

An Act to amend an act entitled "An act concerning district courts (Revision of one thousand eight hundred and ninety-eight)," approved June fourteenth, one thousand eight hundred and ninety-eight.

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

Section
amended.

1. Section one of the act entitled "An act concerning district courts (Revision of one thousand eight hundred and ninety-eight)," be and the same is hereby amended so as to read as follows:

District courts
in cities.

1. All district courts now constituted and established by, under or in pursuance to any law of this state, shall continue in existence under the provisions of this act, and there shall hereafter be district courts in the several cities of this state as follows: in cities having one hundred thousand inhabitants or over, two district courts, to be called respectively the first and second district courts of such cities; in all other cities, one district court, to be called the district court of

such city ; *provided, always*, in every city of this state having less than twenty thousand inhabitants that this act shall not become operative unless the city council shall, within three months after the passage of this act, by resolution, adopt this act, upon the passage of which resolution a certified copy thereof shall be filed in the office of the secretary of state. Proviso.

2. Section six of said act be and the same is hereby amended so as to read as follows: Section amended.

6. The salaries of the judges of said courts shall be fixed as follows: in cities having one hundred thousand inhabitants or over, an annual salary of three thousand dollars; in cities having between thirty thousand and one hundred thousand inhabitants, an annual salary of two thousand five hundred dollars; in cities having between twenty thousand and thirty thousand inhabitants, an annual salary of two thousand dollars; and in all other cities where district courts now exist, an annual salary of one thousand two hundred dollars; *provided, always*, that in every city having a population of less than twenty thousand inhabitants, the annual salary of said judge, which shall not exceed one thousand two hundred dollars, shall be fixed by the city council. Salary of judge.

3. Section eight of the said act be and the same is hereby amended so as to read as follows: Proviso.

8. The salary of the clerks of said courts shall be fixed as follows: in cities having over one hundred thousand inhabitants, an annual salary of one thousand five hundred dollars; in cities having between thirty thousand and one hundred thousand inhabitants, an annual salary of one thousand two hundred and fifty dollars; in cities having between twenty thousand and thirty thousand inhabitants, an annual salary of nine hundred dollars; and in all other cities where district courts now exist, an annual salary of six hundred dollars, which salaries of said clerks shall be in lieu of all other fees whatsoever; *provided, always*, that in cities having a population of less than twenty thousand inhabitants, the annual salary of such clerks, which shall not exceed six hundred dollars, shall be fixed by the city council. Section amended.

4. This act shall take effect immediately. Salary of clerk.

Approved March 22, 1899. Proviso.

CHAPTER 92.

A Further Supplement to "An act making appropriations for the support of the state government and for several public purposes for the fiscal year ending October thirty-first, one thousand eight hundred and ninety-nine," approved June thirteenth, one thousand eight hundred and ninety-eight.

Preamble.

WHEREAS, Pursuant to "An act of congress to reimburse the governors of the states and territories for expenses incurred by them in aiding the United States to raise, organize, supply and equip the volunteer army of the United States in the existing war with Spain," approved July eighth, one thousand eight hundred and ninety-eight, there was filed with the secretary of the treasury at Washington, claims of this state against the United States amounting to one hundred and thirty thousand dollars, for moneys expended in aiding the general government by organizing, subsisting, clothing, equipping, transporting and generally maintaining the volunteer troops from this state ; and

Preamble.

WHEREAS, All moneys received from the general government in settlement of these claims will be paid into the state treasury, and will not be available for the liquidation of these obligations of the state ; therefore,

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

Appropriation
for expenses in
connection with
Spanish-American
war.

1. The sum of one hundred and thirty thousand dollars, or so much thereof as may be necessary, is hereby appropriated for the payment of bills incurred in connection with the raising, equipping and generally maintaining the volunteer troops from this state, for the United States army, in the war with Spain.

2. All claims under this act shall be paid by the treasurer upon the warrant of the comptroller, when approved by the governor. Claims, how paid.

3. This act shall take effect immediately.

Approved March 22, 1899.

CHAPTER 93.

An Act granting the consent of the state of New Jersey to the acquisition by condemnation, purchase, grant or otherwise, by the United States, of a certain tract or tracts of land in the city of New Brunswick for the purpose of erecting buildings thereon.

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

1. The consent of the state of New Jersey is hereby given to the acquisition by condemnation, purchase, grant or otherwise, by the United States, of a tract or tracts of land situate in the city of New Brunswick, county of Middlesex, not exceeding two acres in quantity, on which to erect buildings for post-offices and other public purposes; and the said United States shall have, hold, use, occupy and own the said land or lands, when acquired by condemnation, purchase, grant or otherwise, and exercise jurisdiction and control over the same and every part thereof, subject to the restrictions hereinafter mentioned. Consent granted United States to acquire land in New Brunswick.

2. The jurisdiction of the state of New Jersey in and over the said land or lands mentioned in the foregoing section, when acquired by condemnation, purchase, grant or otherwise as aforesaid, shall be and the same is hereby ceded to the United States, but the jurisdiction hereby ceded shall continue no longer than the United States shall own the said land or lands. Jurisdiction ceded.

3. The said consent is given and the said jurisdiction ceded upon the express condition that the state of New Jersey shall retain concurrent jurisdiction with the United States in and over the said land or lands, so far as that all Concurrent jurisdiction in certain matters.

civil process in all cases, and such criminal or other process as may issue under the laws or authority of the state of New Jersey against any person or persons charged with crimes or misdemeanors committed within said state, may be executed therein in the same way and manner as if said consent had not been given or jurisdiction ceded, except so far as such process may affect the real or personal property of the United States.

When jurisdiction shall be vested.

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

Tax exemption.

5. This act shall take effect immediately.

Approved March 22, 1899.

CHAPTER 94.

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

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

Construct sewer.

1. Whenever any city shall have heretofore adopted or shall hereafter adopt an ordinance for the construction of any main or lateral sewer or drain upon or across any private lands in whole or in part, in accordance with the provisions of the act to which this is a further supplement, and the acts supplementary and amendatory thereof, and shall have heretofore obtained, or shall hereafter obtain, the consent, in writing, of the owner or owners of such lands, to construct, operate and forever maintain such sewer or drain upon and across said lands, it shall be lawful for the said board to proceed to construct such sewer or drain without acquiring any

further title in said lands, and to award a contract or contracts for the construction thereof, such contracts to be awarded in the manner now required by law, and if after the construction of said sewer or drain it shall become necessary in the judgment of the board of aldermen, board of councilmen or other municipal board of any of the cities of this state, charged with the construction of sewers or drains, to acquire any further title or easement in said lands for the more effectual maintenance of said sewer or drain, it shall be lawful for the said board to acquire such further title in or easement over said lands in the corporate name of the city, either by purchase from the owner or owners thereof, or by condemnation proceedings in the manner provided by law for the purchase or condemnation of private lands for public use.

Acquire further title, if necessary.

2. Whenever any private lands upon or across which any sewer or drain shall heretofore have been constructed, or shall hereafter be constructed in the manner aforesaid, shall be purchased from the owner or owners thereof, or acquired by condemnation proceedings, in accordance with the provisions of this act, the cost of the acquisition of such lands by purchase or condemnation proceedings as aforesaid shall be assessed in the same manner that the cost of lands acquired before the construction of any such sewer or drain is required to be assessed by the provisions of the act to which this is a further supplement, and the acts amendatory and supplementary thereto, and three commissioners shall be appointed by the circuit court of the county in which the said lands are situated, to make such assessment, and the same proceedings shall be had for their appointment, and they shall have the same qualifications, and they shall proceed to assess the cost of the acquisition of such lands upon all lands and real estate benefited thereby to the extent of the benefit imparted to them, in all respects in accordance with the provisions of the act to which this is a further supplement, and the acts amendatory and supplementary thereto.

Proceedings in purchasing land.

3. In case any proceedings are now pending in any such city for the construction of any such sewer or drain, the provisions of this act shall apply thereto in the same manner and to the same extent as if this act had been passed and become a law before the institution of such proceedings.

To affect proceedings now pending.

4. This act shall take effect immediately.

Approved March 22, 1899.

CHAPTER 95.

An Act respecting towns and providing for the purchase of water works or a plant for the supplying of pure and wholesome water to the inhabitants of such town for public and domestic uses and the extension of such water works or plant, and providing for the issue of bonds to pay for such purchase or extension.

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

Towns authorized to purchase water works.

Proviso.

Question of purchase submitted to vote of people.

1. Every town is hereby empowered and authorized to purchase any water works system or plant for supplying the inhabitants of such town with a supply of pure and wholesome water for public and domestic uses; *provided*, that the purchase of such water works system or plant for the supply of water shall have first been authorized by a majority of the legal voters of such town voting at an annual election or a special election as hereinafter provided.

2. Whenever, in the judgment of the town council or other governing body of any town, it is deemed advisable to purchase such water works system or plant for the supply of water, they may by resolution submit the question of such purchase to the voters of the town at an annual or special election, stating the price at which they propose to purchase the same; of which election and the object thereof and the price proposed to be paid at least twenty days' notice shall be given by advertisements signed by the town clerk, posted in at least three public places in the town and printed once each week for at least two weeks in a newspaper published in the town, if any such exists, or if not, then in a newspaper published in the county wherein the town is situate and circulating in the town; at such election the question submitted shall be "in favor of the purchase of water works system according to resolution of council, dated _____" [inserting in said blank the date of said resolution], or "against the purchase of water works system

according to resolution of council, dated ——” [inserting in said blank the date of said resolution]; such election shall be by ballot and shall be held by the election officers of the town upon the day appointed by the council; two ballots shall be furnished each voter, one in favor of and the other against the question submitted; the polls shall be kept open for the time provided by law for general elections in such town, and such election shall be in all respects conducted and the vote canvassed in the manner provided by law for general elections; in case such election shall be a special election there shall be no registration therefor, but the board of election shall procure and use at such special election a certified copy of the registry of votes used at the last preceding general election, and no person shall be entitled to vote whose name does not appear on such registry; if a majority of the ballots cast at such election shall contain the words “in favor of the purchase of water works system according to resolution of council, dated ——” [inserting in said blank the date of said resolution], it shall then be lawful for the council to purchase such water works system or plant for the supply of water.

Election; how conducted.

3. For the purpose of raising the money necessary for such purchase, if so authorized at such an election, the town council of such town may use any moneys not otherwise appropriated, or may issue the bonds of the town, under the signature of the councilman-at-large or other chief executive officer thereof, and of the town clerk, with the corporate seal thereto affixed; such bonds shall be payable at such times not more than thirty years from the date thereof, respectively, and shall bear such rate of interest not exceeding five per centum per annum, payable at such time as the council may decide; the bonds may be either registered or coupon bonds, or both, and shall be disposed of at public sale under such terms and conditions as the council may determine, at not less than par; all acts or proceedings to be had or taken by any town council or other governing body of any town for the issue of bonds hereunder may be by resolution, and shall not require the passage of any ordinance or any other or further proceeding than is herein provided for.

Funds necessary for purchase; may issue bonds.

4. The town council may by resolution extend any water works or plant for the supply of water for public or domestic use so purchased, and the moneys necessary for any such

Plant may be extended.

extension or extensions in any town shall be provided and raised as is hereinbefore provided for the raising of the moneys necessary for the purchase of such existing water works or plant for the supply of water.

5. This act shall take effect immediately.

Approved March 22, 1899.

CHAPTER 96.

An Act to repeal an act entitled "A supplement to an act . entitled 'An act for the better enforcement in Maurice river cove and Delaware bay of the act entitled "An act for the preservation of clams and oysters," approved April fourteenth, one thousand eight hundred and forty-six,' and of the supplements thereto, which act was approved March twenty-first, one thousand eight hundred and seventy-one," which supplement was approved March twenty-third, one thousand eight hundred and ninety-eight [Pamphlet Laws of one thousand eight hundred and ninety-eight, page one hundred and fifty-eight].

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

Repealer.

1. The act entitled "A supplement to an act entitled 'An act for the better enforcement in Maurice river cove and Delaware bay of the act entitled "An act for the preservation of clams and oysters," approved April fourteenth, one thousand eight hundred and forty-six,' and of the supplements thereto, which act was approved March twenty-first, one thousand eight hundred and seventy-one," which supplement was approved March twenty-third, one thousand eight hundred and ninety-eight [Pamphlet Laws of one thousand eight hundred and ninety eight, page one hundred and fifty-eight], be and the same is hereby repealed.

2. This act shall take effect immediately.

Approved March 22, 1899.

CHAPTER 97.

An Act to amend an act entitled "An act to authorize the sale of lands belonging to religious corporations or societies in which burials have been made," approved March twenty-eighth, one thousand eight hundred and ninety-five.

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

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

Section
amended.

2. *And be it enacted*, And upon the day fixed in the order and notice in section one herein referred to, or upon such adjourned day as said court may fix, it shall be lawful for said court of common pleas or county court to make an order permitting the sale of said lands, and the removal of any bodies buried therein, provided no objection be made in writing thereto or filed with the court previous to the day of hearing by the lineal descendants, widow or widower of the parties buried therein; and in all cases where burials have been made in land owned by any such religious corporation or society, the said court of common pleas or county court is hereby empowered to make an order authorizing the religious society or corporation to remove such remains to another part of the same grounds in manner herein provided; this, however, shall not be so construed as to preclude the removal of the remains of persons whose names are unknown, provided a record of the same, designating the graves by numbers shall be kept by said religious corporation, which record shall at all suitable times be open to inspection, free of charge.

Court may make
order permitting
removal of
bodies.

Proviso.

2. Section three of said act be and the same is hereby amended to read as follows:

Proviso.

3. *And be it enacted*, That if such religious corporation or society shall sell any land in which any person has heretofore acquired a right of burial, the said corporation or society

Section
amended.

In case burial
plot be sold.

shall, at the discretion of the court, either refund to the party having such right, their heirs, executors or assigns, the amount paid for such right, with interest from the date of payment, or shall convey to such party, their heirs, executors or assigns, an eligible plot of ground of equal size in burial grounds adjacent thereto, and shall pay all cost and expense incurred in the removal of any bodies interred in the lands sought to be vacated and sold and the cost of properly re-interring the same.

3. This act shall take effect immediately.

Approved March 22, 1899.

CHAPTER 98.

An Act to enable a church or religious corporation to convey lands freed and discharged from restrictions as to burial purposes.

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

When land conveyed with restriction as to burial purposes may be sold.

1. In all cases where a church or religious corporation shall have acquired lands without condition or restriction as to their use, and afterward have conveyed said lands with a condition or restriction limiting the use thereof to burial purposes; and where said lands or any part thereof are no longer desirable for burial purposes, nor in use as such; and where the church or religious corporation imposing the condition has ceased to exist and is thereby forever incapable of receiving or conveying property, or of incurring or releasing obligations; and where the said lands are now owned and controlled by another church or religious corporation; and where, owing to the changed conditions of population and business, said lands or portion thereof remain unused and are not in demand as a place for the burial of the dead; and where it is desirable to sell such lands or such portion thereof as may not be in use for burial purposes, it shall be lawful for such church or religious corporation to sell and convey

the same freed and discharged from said condition or restriction.

2. This act shall take effect immediately.

Approved March 22, 1899.

CHAPTER 99.

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

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

1. The recorder of any town incorporated or existing under this act may, in case of his temporary absence from the recorder's court, or inability from any cause to act therein, designate and appoint either a justice of the peace of the county in which such town is situate or an attorney-at-law of the state of New Jersey to act in his stead, and such justice of the peace or attorney-at-law while so acting shall have, hold, exercise, use or perform any power, privilege, duty, authority or jurisdiction which is or shall be conferred upon or given to said recorder.

Recorder may designate who to act in his absence.

2. All writs, precepts and processes issued by the recorder of any town incorporated or existing under the act to which this is a supplement, shall run in and through the county in which the town for which he is appointed is situate, and he may, in any matter pending before him, award writs of subpoena into any county of this state.

Writs, etc., issued by recorder.

3. This act shall take effect immediately.

Approved March 22, 1899.

CHAPTER 100.

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

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

Section
amended.

1. Section twenty-five of the act to which this is an amendment shall be and the same is hereby amended to read as follows :

Salaries of cer-
tain officers.

25. The salaries and compensation to be paid to the town clerk, the town collector, the town treasurer, the town attorney, the recorder, the assessor, the chief of police and the members of the police force, the chief of the fire department, the overseer of the poor, the town surveyors, pound-keepers, commissioners of appeal, commissioners of assessment and members of the town council, shall be fixed by ordinance of the town council ; and the salary or compensation of any officer which has been fixed as aforesaid shall not be increased or diminished during his term of office, and all fees paid to any of said officers for any services required of him by this act, or by any ordinance or resolution of the town council, shall immediately after the receipt thereof be paid by such officer to the town treasurer for the use of the town, unless herein otherwise specially provided ; *provided, however,* that such salaries shall not exceed the following sums per year, viz., the town clerk, two thousand dollars ; members of the town council, five hundred dollars each ; town collector, two thousand dollars ; town treasurer, one thousand dollars ; recorder, six hundred dollars ; assessor, one thousand dollars.

Not altered
during term
of office.

Proviso.

Approved March 22, 1899.

CHAPTER 101.

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

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

1. Whenever it shall be made to appear to the chancellor of this state, by petition, duly verified by the oath of the petitioner, that any person, resident of this state, is an idiot or lunatic, and that no inquisition of lunacy has been issued to determine such idiocy or lunacy, and that no guardian for such idiot or lunatic has been appointed by the orphans' court of any county in this state in which such idiot or lunatic resides or may have resided, and that the estate of such idiot or lunatic does not exceed the sum or value of five hundred dollars, it shall be lawful for the said chancellor to ascertain, in a summary manner, the truth of the allegations of the said petition and to appoint a guardian of such idiot or lunatic; *provided*, such guardian shall enter into bond to the ordinary of this state, with at least two sufficient sureties, in double the amount of the sum or value of the estate of such idiot or lunatic, which bond shall be approved of by the chancellor if said bond be accompanied with an affidavit of the said sureties that they are each freeholders and worth double the amount of the penalty of said bond, and which said bond shall be filed with the clerk of the court of chancery.

Summary as-
certainment of
petition and
appointment
of guardian by
chancellor.

Proviso.

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

Repealer.

Approved March 22, 1899.

CHAPTER 102.

An Act to amend an act entitled "An act to authorize boards of chosen freeholders to widen, straighten, grade and otherwise improve highways under their control, and to provide for the construction of street railroads thereon," approved June thirteenth, one thousand eight hundred and ninety-eight.

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

Section
amended.

1. The first section of an act entitled "An act to authorize boards of chosen freeholders to widen, straighten, grade and otherwise improve highways under their control, and to provide for the construction of street railroads thereon," approved June thirteenth, one thousand eight hundred and ninety-eight, shall be and the same is hereby amended so as to read as follows :

Freeholders to
have charge
of roads.

1. The board of chosen freeholders of any county in this state shall have power to widen, straighten, change the grade or location of or otherwise improve any public highway under its control, or part thereof, and to authorize the construction and operation of a street railroad thereon; and, after making and filing in the office of the clerk of the county a map showing the proposed widening, straightening or change of location of any such highway it shall be lawful for such board to acquire by purchase in its corporate name any real estate in the county that may be necessary for that purpose; and in case such board and the owner of any real estate required for such purpose cannot agree upon the price or terms of sale thereof, it shall be lawful for the circuit court of the county in which said lands and real estate are situate, on application in writing made by or on behalf of such board, and on such notice to the owner or agent or legal representative of the owner of such land or real estate, as the court may prescribe, to appoint three disinterested freeholders as commissioners, who after hearing such owner

Acquire land.

In case of
disagreement.

Court appoint
commissioners;
their duties.

or agent or representative, if practicable, shall make an estimate and assessment of the damages that any such owner will sustain by the taking of said lands and real estate, with the appurtenances, for the purpose aforesaid ; and the said court shall appoint other persons to fill vacancies in case it shall be necessary to do so ; the said commissioners, before proceeding to discharge their duties, shall make, subscribe and file in the office of the clerk of the county an oath to make an impartial estimate and assessment of such damages, and they, or any two of them, shall make and present a report thereof to said court as soon as practicable ; that in making such estimate and assessment of damages the said commissioners shall take into account the benefits, if any, conferred by the improvement on the remainder of any lot or tract of land partly taken ; in all cases where the lines of such public highway, when the same shall be widened, straightened or the location thereof changed or otherwise improved, shall include or bisect any building or the location thereof, the said commissioners may determine, as to them shall seem most just, either to condemn and cause to be taken the whole of said building or so much thereof as stands upon the land required for such purpose, or to require the owner thereof to remove such building from and outside of the proposed lines of said road in case the owner has land enough left for that purpose, and the estimate or appraisal of damages of said commissioners, having due regard to all attendant expenses, shall be made accordingly ; and the said commissioners shall in such cases estimate and take into account the amount likely to be realized from the sale of any building or part of any building necessary to be taken, removed or disposed of for the purpose aforesaid ; upon the filing of said report either said board or any party interested in said lands and real estate shall give notice of an application to confirm the same ; and at the time fixed for hearing said application the said court shall consider said report and any objections that may be made thereto in a summary manner, and confirm the same or refer it back to the said commissioners or other commissioners to be appointed by the court to consider the subject-matter thereof ; 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 said circuit court, within such time as said court shall by order direct, and

Report.

Hearing.

Confirmed report
entitles board to
possession.

Tender
payment.

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 which the said court shall confirm; and such report, when confirmed by said court, or a copy thereof duly certified by the clerk of the county, shall be plenary evidence of the right of the board to enter upon, take and use the said lands or real estate, with the appurtenances, provided said board shall first tender to the owner thereof, if residing in this state, the amount so awarded, and if any owner is not a resident of this state, or on due inquiry cannot be found herein, or is a lunatic or idiot, or under age, or is for any cause incapacitated to receive the amount awarded, or will not receive the same and sign a voucher or receipt therefor when tendered, an affidavit shall be made of the facts and filed in the office of the clerk of said court, and the amount so awarded shall be deposited with the said clerk, to be disposed of as said court shall direct, and thereupon said board shall have the right to take and use said lands and real estate for the purposes aforesaid.

2. This act shall take effect immediately.

Approved March 22, 1899.

CHAPTER 103.

An Act concerning the investment of moneys and the retention of investments in certain cases.

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

Continuance of
investment by
executor.

1. Whenever any testator shall have made, in his lifetime, any investment of money in municipal bonds or on bond secured by mortgage, or in the bonds or stock shares of any corporation, and the same bonds, mortgages or stock shares shall come or shall have come into the hands of the executor of or trustee under the will of such testator or of the administrator with the will annexed, to be administered, and such executor, administrator or trustee may, in the exercise of good faith and reasonable discretion, have continued such

investment, or may hereafter continue the same, he shall not be accountable for any loss by reason of such continuance.

2. Any executor, administrator, guardian or trustee, whose duty it may be to loan the money entrusted to him, may invest the same in any of the following securities : Securities in which executor may invest.

(1) Bonds issued by the United States of America ;

(2) Bonds issued by this state ;

(3) Bonds of any county, city, town or township of this state, issued pursuant to the authority of any law of this state where the total indebtedness of said county, city, town or township does not exceed in the aggregate fifteen per centum of the assessable valuation of all taxable property within such county, city, town or township ;

(4) Bonds secured by mortgage which shall be a first lien upon real estate estimated to be worth at least twice the amount loaned at a rate of interest not less than three per centum, nor greater than six per centum per annum.

3. This act shall not apply where the deed of trust, or the last will and testament of any testator, or any court having jurisdiction of the matter specially directs in what manner the trust fund shall be invested. Exception.

4. This act shall take effect immediately.

Approved March 23, 1899.

CHAPTER 104.

An Act legalizing, ratifying and confirming the election of village trustees heretofore held in villages incorporated under the act entitled "An act for the formation and government of villages," approved February twenty-third, one thousand eight hundred and ninety-one, and an act to amend said act, approved April eighth, one thousand eight hundred and ninety-two.

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

1. Any election of village trustees heretofore held or had in any village in this state incorporated under the act entitled Election legalized.

"An act for the formation and government of villages," approved February twenty-third, one thousand eight hundred and ninety-one, and the act to amend said last-mentioned act, approved April eighth, one thousand eight hundred and ninety-two, be and the same is hereby legalized, ratified and confirmed, any law to the contrary notwithstanding.

Trustees. 2. The village trustees elected at any such election shall hold and possess their offices until the end of their respective terms.

Number chosen. 3. Only so many village trustees shall be elected in any such case, under existing laws, as will make the whole number of the village trustees five, including those who hold over under existing terms of office.

Repealer. 4. All acts inconsistent with this act be repealed, and that this act shall be deemed and taken to be a public act, and shall take effect immediately.

Approved March 23, 1899.

CHAPTER 105.

An Act to amend an act entitled "A supplement to the act entitled 'An act providing for the pensioning of police officers and policemen in certain cities of this state, and regulating the method by which the same may be accepted and become operative in said cities,' approved March thirty-first, one thousand eight hundred and eighty-seven," approved February twenty-second, one thousand eight hundred and eighty-eight.

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

Section amended. 1. Section four of the act entitled "An act providing for the pensioning of police officers and policemen in certain cities of this state, and regulating the method by which the same may be accepted and become operative in said cities," approved March thirty-first, one thousand eight hundred and eighty-seven, which was amended by the act entitled "A supplement to the act entitled 'An act providing for the

pensioning of police officers and policemen in certain cities of this state, and regulating the method by which the same may be accepted and become operative in said cities,' approved March thirty-first, one thousand eight hundred and eighty-seven," approved February twenty-second, one thousand eight hundred and eighty-eight, be further amended to read as follows :

4. Every member of such force shall be paid one-half compensation or salary only during temporary disability occasioned while in the performance of his or their duty; *provided, however*, that it shall be lawful for the board or body having control of the police force in any city where the act to which this is amendatory is in operation by resolution to give such members of the force as may be or become disabled full compensation, if, after examination, the circumstances and character of such disability, in the judgment of said board, shall justify such full compensation, and not otherwise; *and provided further*, that it shall be lawful for the board or body having control of the police force in any city to deduct quarterly from the pay of each officer and policeman a sum equal to one-fourth of one per centum of the amount fixed by law to be paid said officer and policeman annually; said deduction to be made in the months of February, May, August and November in each year; the moneys so deducted to be placed to the credit of the fund created and to be used only as provided by sections five and seven of the act to which this act is amendatory; in case of the suspension or disability of any such officer and policeman during any of the months herein specified, said deduction shall be made out of the moneys next due to said officer and policeman.

Pay during temporary disability.

Proviso.

Proviso.

2. This act shall take effect immediately.

Approved March 23, 1899.

CHAPTER 106.

A Further Supplement to an act entitled "A supplement to an act entitled 'An act for the settlement and relief of the poor,' approved March twenty-seventh, one thousand eight hundred and seventy-four," which supplement was passed May fifth, one thousand eight hundred and ninety.

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

Section
amended.

1. Section one of the act entitled "A supplement to an act entitled 'An act for the settlement and relief of the poor,' approved March twenty-seventh, one thousand eight hundred and seventy-four," passed May fifth, one thousand eight hundred and ninety, shall be and the same is hereby amended so as to read as follows :

Temporary
relief furnished.

1. It shall and may be lawful in all counties of the second, third and fourth classes for the overseer of the poor in any township, when application shall be made to him for the relief of any poor person or persons, to grant such relief as their immediate necessities require, and to report the same to one or more members of the township committee, who then, with the overseer, may continue to grant such poor person or persons such relief from time to time, or cause their removal to the county poor-house, according to the act to which this is a further supplement.

2. This act shall take effect immediately.

Approved March 23, 1899.

CHAPTER 107.

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

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

1. In all towns formed or established under the act to which this act is a supplement, it shall be lawful for the council of such town, in its discretion, to pass ordinances or resolutions to take effect therein, for the following purposes, to wit, to provide for a board of assessors to consist of three members, which board shall be created as follows, viz., by the appointment of two of its members by the council of such town upon the nomination of the councilman-at large, and the third member to be elected by the legal voters on a general ticket at the annual election of such town, in the same manner and upon the like public notice as other officers thereof are elected; and only one of which members so appointed shall be selected from the same ward of such town, and shall hold their office for the period of two years, and until their successors are appointed; and the elected member shall hold his office for three years from the date of election; the first appointment to be one for one year and the other for two years; and all appointments made to fill vacancies to be for the unexpired term only; and in case of the death, resignation or disability of the elected member, such vacancy shall be filled by the council, in the same manner as the original appointments are made, until the next annual election, when such vacancy shall be filled by the legal voters; such assessors shall receive such salary as the council of such town shall by ordinance prescribe, and shall each give a bond in such an amount as the said council may direct, for the faithful performance of their duties; and the said board of assessors shall select one of their number to be clerk thereof,

Board of assessors created.

Members, how chosen; term.

Vacancy.

Salary.

Duties.	and he shall receive such additional compensation as the council may by ordinance prescribe, which board shall perform the duties now devolving, or which may hereafter devolve by law, upon assessors of taxes or boards for the assessment of taxes, or commissioners of assessment, in such towns, and the offices of such assessors ; such board and such commissioners of assessment now existing in such towns shall be abolished upon the appointment and election of assessors under this act ; the said council shall provide an office for said board, which shall be open during such hours for the transaction of business as the said council may direct ;
Certain offices abolished.	such assessors may be removed by the council for cause in the same manner as other officers in such town are elected or appointed pursuant to the provisions of the act to which this act is a supplement.
Removal from office.	
Further duties.	2. Such board of assessors, subject to the substitution of another person for any member thereof on account of interest as hereinafter provided, shall also have exclusive control and charge of all awards for damages in the taking, injuring or damaging of lands for public improvements in such town, and shall make all assessments for benefits acquired by any land or lands by reason of such improvement, or by reason of the laying out or opening of any street, road, highway, alley, public park or square, within such town, or the causing of any street, road, highway or alley already laid out, or which shall hereafter be laid out, to be vacated, straightened, altered, widened or extended, or by the reason of the laying or constructing of sewers or drains, or the grading, graveling, paving, flagging, macadamizing, planting of shade trees, or otherwise in the improving and regulating of any street or section of a street in such town.
Annual report of assessment of taxes.	3. Said board of assessors shall complete their assessment of the taxes of such town and present their books to the council for examination by the third Monday in September, annually ; and all proceedings for the making of any of the improvements as aforesaid, and for the assessing of damages for the taking, injuring or damaging of any lands by reason thereof, as well as for the assessments of benefits to pay for the cost of the same, shall be the same in all respects as provided in and by the act to which this is a supplement ;
Proviso.	<i>provided, however,</i> that such assessments of damages and benefits, respectively, shall be made by said board of asses-

sors and shall be confirmed in the same manner and upon like notices as provided in and by said act to which this act is a supplement.

4. Such award of damages and assessment of benefits shall be paid and collected in the same manner as is now provided by law for the paying and collecting of any awards or assessments in such town.

Awards, how paid and collected.

5. If any of the said assessors shall be interested in the matter of any award of damages or assessment of benefits, the council shall call upon some discreet and impartial freeholder or freeholders, resident in said town, to act in regard to such award or assessment in lieu of the assessor or assessors interested therein as aforesaid; and every report of awards or assessments shall be accompanied by the oath or affirmation of each assessor making the same, that he is not interested directly or indirectly in the matter of the award or assessment, and that he has performed his duties in relation thereto honestly, faithfully and impartially, to the best of his ability, skill and understanding.

Substitution in case assessor is interested.

6. This act shall take effect immediately.

Approved March 23, 1899.

CHAPTER 108.

An Act to authorize the purchase of lands and the construction of school-houses, and the issuing of bonds to raise moneys to pay the cost of the same in cities of this state.

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

1. Whenever the board of education, or other body having charge of the public schools in any city in this state shall, by resolution of the votes of a majority of the members thereof, declare that additional school accommodation, are needed for the primary, grammar or high school departments, or any of them in such city, and setting forth the estimated cost thereof, a copy of said resolution, certified under the hands of the president or chairman and secretary

Notice by board of education to common council that additional accommodations are needed.

Upon such notice
appropriation
may be made,
according to
population.

"School bonds"
issued.

Sinking fund.

Amount of
bonds.

or clerk of such board or body, shall be forthwith transmitted to the common council, board of aldermen or other board having charge and control of the finances of such city, and thereupon it shall be lawful for such financial board, by resolution, to make an appropriation or appropriations as hereinafter mentioned, that is to say: In all cities having, by the census last preceding the adoption of such resolution, a population of not more than fifteen thousand, a sum not exceeding the sum of thirty thousand dollars; in all cities having by such census a population exceeding fifteen thousand and not exceeding thirty thousand, a sum not exceeding the sum of one hundred thousand dollars; in all cities having by such census a population exceeding thirty thousand and not exceeding one hundred thousand, a sum not exceeding the sum of one hundred and fifty thousand dollars; and in all cities having by such census a population exceeding one hundred thousand, a sum not exceeding the sum of three hundred thousand dollars, for the purchase of lands, if required, and the erection and furnishing of a suitable school building or buildings for said city by such board of education; and upon the adoption of such resolution by such financial board it shall be lawful for such board to issue bonds from time to time in the corporate name of such city for the amount so appropriated; the bonds so to be issued shall be designated "school bonds," and shall be of such denomination as said financial board shall deem proper, and shall be made payable in not less than twenty nor more than thirty years; they shall bear interest at a rate not greater than four per centum per annum, payable semi-annually, and may be registered or coupon bonds, or may be registered and coupon bonds combined, at the option of said financial board; they shall be sold at public or private sale, but not for less than par and accrued interest; and there shall be raised by tax in each year the interest on the whole amount of the bonds so issued, together with at least two per centum per annum of the principal of such bonds for the purpose of a sinking fund, to be paid to the commissioners of the sinking fund of said city, for the purpose of meeting the said bonds when they may become due.

2. No city shall issue under the provisions of this act bonds in an amount exceeding in the aggregate the sum above limited by the population thereof; the proceeds of such

bonds, including the premiums, if any, shall be used only for the school purposes aforesaid. Proceeds, how applied.

3. This act shall take effect immediately.

Approved March 23, 1899.

CHAPTER 109.

Supplement to an act entitled "An act respecting the term of office of treasurer in towns," approved April first, one thousand eight hundred and ninety-seven.

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

1. The salary of a town treasurer shall not be increased or decreased during the term for which he is appointed ; this act shall apply to town treasurers appointed as well as to those elected. Salary of town treasurer not altered during term.

2. This act shall take effect immediately.

Approved March 23, 1899.

CHAPTER 110.

An Act authorizing the incorporated cities, towns, townships and boroughs of this state to fund their floating indebtedness and their matured and maturing bonds.

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

1. Whenever any incorporated city, town, township, village or borough of this state shall have incurred, or shall incur, indebtedness, commonly known as a floating indebtedness, by reason of the setting aside of assessments, or by reason of the removal from the state of persons taxed before the payment Floating indebtedness variously incurred.

Lawful to issue bonds.	of their taxes, or by reason of a portion of the cost of any public improvement having been lawfully assessed upon such municipality, or by reason of the reduction or cancellation of taxes real or personal, or by reason of money borrowed to meet payments required by law to be made but not included in any assessment or tax levy, or by reason of more than one of the above causes, or otherwise; or whenever any such city, town, township or borough shall have borrowed, or shall hereafter borrow, money to enable it to pay, and shall have paid or shall hereafter pay, any of the interest or principal of any matured bonds with the money so borrowed and shall not have theretofore included the amount, or any part of the amount, of the money so borrowed in any tax levy or levies, assessment or assessments; and whenever any such city, town, township or borough shall have issued, or shall hereafter issue, any bonds or other obligations for money honestly loaned to it in good faith, or has become lawfully chargeable with bonds or other obligations issued by the board of education or any other local board, and such bonds or other obligations are due or are to fall due within one year, and such city, town, township or borough is without funds to meet the same, it shall be lawful for, and the power is hereby expressly conferred upon, the governing body of any such city, town, township or borough to issue bonds or other obligations for the purpose of paying off said floating indebtedness and extending the time when the several amounts thereof shall be raised and the total indebtedness be discharged, by virtue of any proper ordinance to be passed at a regular meeting of such governing body, to the amount of ninety-six and two-thirds per centum, or to any less part of the amount of the said floating indebtedness, matured bonds not included in any tax levy, other bonds or obligations due or to become due as aforesaid issued for money honestly loaned to such municipality in good faith, and such bonds or other obligations lawfully chargeable thereto (within the time aforesaid) issued by any board of education, or other local board; which bonds shall be made payable at periods of time not exceeding thirty years from the date of issuing the same, and shall draw interest at a rate not exceeding five per centum per annum; which bonds shall be for not less than one hundred dollars nor more than ten thousand dollars each and shall be executed under the corporate seal of said city, town, township or borough, and shall be signed by the mayor,
Amount.	
Character of bonds.	

chairman or other head executive officer or officers thereof and by the principal financial officer thereof (if any) and attested by the clerk; and which said bonds shall have coupons attached for every half year's interest until due, or may be registered at the option of the holder; which coupons, if attached, shall bear the names of the said head executive officer, principal financial officer (if any) and clerk of said city, town, township or borough, and shall be 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 said bonds, the date of issuing and the time of payment shall be made by or under the direction of the principal financial officer (if any), otherwise by or under the direction of the clerk of such municipality, in a book provided for that purpose; all such bonds shall recite that they are issued in pursuance of this act and of the aforesaid resolution and shall set forth the date upon which such resolution was adopted; *provided*, that in order to redeem the bonds issued in pursuance of this act, at their maturity, it shall be the duty of the governing body of the said city, town, township or borough to establish a sinking fund which shall be created by a special tax of not less than three per centum upon the issue herein provided for to be raised in the annual tax levy, or from collections of assessments for improvements in cases where the indebtedness was originally incurred to pay for local improvements assessable upon lands particularly benefited, or both, at the option of the governing body thereof.

Proviso.

2. The interest on the bonds hereby authorized to be issued shall be raised by a special tax annually levied and collected with the other taxes of any such municipality, and the whole of each year's interest shall be so raised, levied and collected each year; and the governing body of any such municipality may dispose of said bonds at public sale for the best price that can be obtained for the same after advertisement for at least one week in a public newspaper printed and circulated in the county wherein said municipality is located, but not at a less price than their par value, and said bonds and all moneys derived therefrom shall be applied and used, exclusively and inviolably, for the payment of the aforesaid floating indebtedness, bonds and other obligations.

Provision for meeting interest.

Disposition of bonds.

Money, how applied.

Certain funds
issued valid.

3. Any and all bonds issued in compliance with the terms of this act for any of the purposes aforesaid by any city, town, township or borough in this state, in good faith, for value received since the fifteenth day of March, one thousand eight hundred and ninety-eight, are hereby ratified, confirmed and declared to be valid and effectual obligations of such municipality or municipalities as may have issued the same; and this act shall be deemed a public act and shall take effect immediately.

Approved March 23, 1899.

CHAPTER 111.

A Supplement to an act entitled "An act to regulate the crossing at points not within the limits of cities of this state of steam railroads by steam or electric railroads hereafter to be constructed," approved March twenty-second, one thousand eight hundred and ninety-five.

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

Right to alter
grades to secure
crossing under
or over a
railroad.

1. Whenever performance of any decree made or to be made by the chancellor, under said act to which this is a supplement, shall have required, or shall require the construction of a crossing under, or above and overhead of, the grade of a steam railroad, itself operated upon the grade of a street or highway through which such crossing electric or steam power railroad shall pass, said electric or steam power railroad company so crossing is hereby declared to have had and shall have power to alter the grade of the said street or highway in approaching said crossing, and the grade of any other street communicating with the same at said crossing point, by depression, or elevation of the grade thereof, in the mode defined and directed by the chancellor, anything in any law now existing to the contrary notwithstanding; *provided, nevertheless,* that the company making such crossing shall pay the damages sustained by the owners of property opposite or in front of which such alterations in the grade

Proviso.

LAWS, SESSION OF 1899.

of the highways shall be made, occasioned by such alterations in the grade.

2. In case any agreement cannot be made by the crossing company with the owners of such property respecting such damages, or when by reason of the legal incapacity or absence of such owners such agreement cannot be made, a description or map showing the proposed change in the grade and the name or names of the occupants, if any there be, of the real estate so to be affected and of the owners, if known, and their residences, if the same can be ascertained, shall be presented by the crossing company to the chancellor, who shall cause notice to be given to the owners or occupants, if known and in the state, by service upon them personally, or by leaving such notice at their residence, or if unknown or out of this state, by publication, as he shall direct, for not less than ten days, of a time and place when he will appoint commissioners to assess said damages, at which time and place, upon proof of the service or publication of said notice in the manner directed, the chancellor shall appoint three disinterested and impartial persons commissioners, who shall assess said damages upon notice, given to the persons interested, in the manner directed by the chancellor; and it shall be the duty of said commissioners, having first subscribed an oath or affirmation faithfully and impartially to examine the matter, and make a true report according to the best of their skill and judgment, to view the premises and make a just and equitable assessment of the damages to be sustained by said owner or owners by reason of such change in grade and alterations, which report of damages, agreed to and signed by said commissioners, or any two of them, shall be filed by said commissioners with the chancellor, and thereupon the petitioner shall give ten days' notice of a time and place, when application will be made to the chancellor for a consideration of said report, which notice shall be served and published in the same manner as directed for the notice for the appointment of said commissioners; and at said hearing the chancellor, after hearing the parties interested in such report and the objections thereto presented in writing, may confirm the same or refer it back to the commissioners for reconsideration, and the commissioners shall return the same to the chancellor corrected or revised or a new report made by them without unnecessary delay, and the same on being so returned, shall be confirmed

In case agreement can't be made respecting damages.

Chancellor to appoint commissioners; their duties.

Hearing.

May confirm
or refer.

Confirmed
report final.

Repealer.

or again referred to said commissioners, as right and justice may require, and so from time to time until a report shall be made in the premises which the chancellor shall confirm; any commissioner who shall refuse to sign said report shall file with the same a statement of his reason for so refusing for the information of the court; such report upon being so confirmed shall be final and conclusive against all persons whomsoever; and upon payment or tender of payment of the amounts assessed and awarded as herein provided, the said petitioning company is hereby authorized to proceed in the construction of said crossing; but in case the persons entitled to receive any of the respective amounts so awarded shall refuse to receive the same or shall be out of the state or under any legal disability, or in case there be doubt as to who is legally entitled to receive any of the respective sums so awarded, then the payment of the respective amounts so awarded into the court of chancery shall be deemed a valid payment; and the chancellor, upon application of any party interested and upon reasonable notice to the others, may tax and allow such fees and expenses to the commissioners as he shall think equitable and right, which shall be paid by the petitioning company.

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

Approved March 23, 1899.

CHAPTER 112.

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

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

Repair of road
and lighting
plant.

1. In any county in this state where any road has been or shall hereafter be built under the provisions of the above-

entitled act, or any act supplementary thereto or amendatory thereof, the boulevard commissioners provided for under the supplement to such act, approved March twenty-fourth, one thousand eight hundred and ninety-eight, shall have power and authority to put and keep said road and the lighting plant connected therewith in good repair and condition to their satisfaction.

2. In case the appropriation in any year made by the board of chosen freeholders of such county for the repair of such road and the lighting plant thereof, shall be insufficient, in the judgment of such boulevard commissioners, to put and keep the same in proper condition, then it shall be lawful for the said commissioners from time to time to make requisition in writing on the board of chosen freeholders of such county for the money necessary to enable said commissioners to put and keep such road and the lighting plant in good repair; said board of freeholders may cause the same to be raised and collected by taxation in whole or in part; or may, in its discretion, issue bonds for that purpose, which bonds shall be issued and the payment thereof provided for in the manner prescribed in the eighth and ninth sections of the act to which this is a further supplement; *provided, however*, that such bonds shall bear such interest as said board shall determine, not exceeding four per centum per annum, and that the total amount of bonds authorized by this act shall not exceed fifty thousand dollars.

If appropriation
be insufficient.

Bonds may issue.

Proviso.

3. The moneys derived from the sale of such bonds shall be turned over to and remain as a fund in the hands of the county collector, to be used only for the purpose of putting and keeping said road and the lighting plant thereof in good repair and condition, and shall be drawn upon warrants signed by the president of such boulevard commission and the secretary thereof; the board of chosen freeholders of any such county shall have no control over such funds, but shall be required to raise the same in manner aforesaid upon the requisition of said boulevard commissioners.

Sale of bonds;
proceeds, how
applied.

Control of funds.

4. This act shall apply to the repair of any and all roads, branch or connecting roads, constructed or to be constructed, or in course of construction, under the act aforesaid, or any act supplementary thereto or amendatory thereof; and also to all roads constructed or to be hereafter constructed as extensions to such roads, branch or connecting roads, where

Application of
this act.

by law such extension road is to be constructed under the terms of the act aforesaid, or acts supplementary thereto or amendatory thereof.

5. This act shall take effect immediately.

Approved March 23, 1899.

CHAPTER 113.

An Act authorizing villages in this state to renew matured and maturing bonds.

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

Renewal of
portion of
bonds due.

Character
of bonds.

Proviso.

1. Whenever any bonds heretofore legally issued by any village in this state under the authority of law are now due and unpaid, or shall hereafter become due, the governing body of any such village may renew ninety-six and two-thirds per centum of such indebtedness or any less part thereof, by the issuing of the bonds of such village for that purpose; which bonds may be made payable at periods of time not exceeding thirty years from the date of issuing the same, and shall draw such rate of interest not exceeding five per centum per annum, and be issued in such sums as the governing body of such village shall by ordinance determine; which bonds shall be of denomination of not less than fifty dollars nor more than one thousand dollars, and shall be designated as renewal bonds, and shall be executed in the same manner as the matured or maturing bonds are executed, and shall have coupons attached for every half year's interest until due, or may be registered at the option of the holder; which coupons if attached shall be signed by the head officer or treasurer or other proper financial officer of such village and be numbered to correspond with the bond to which they shall respectively be attached; *provided*, that in order to redeem the bonds issued under the provisions of this act at maturity, it shall be the duty of such governing body immediately preceding the time when any of said bonds shall be due, to cause a special tax to be levied and collected as other village taxes are or may hereafter be levied and

collected, the proceeds of which said tax shall be applied to the payment of said bonds as they mature.

2. The interest on said bonds shall be raised and paid by a tax annually levied and collected as other village taxes are now or may hereafter be levied and collected; and the governing body of such village may dispose of said bonds for the best price that can be obtained for the same, but not at a less price than par value; and said bonds and all moneys derived from the sale thereof shall be inviolably applied and used for the payment of such matured and maturing bonds.

Payment of
interest.

Use of proceeds.

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

Repealer.

Approved March 23, 1899.

CHAPTER 114.

A Supplement to an act entitled "An act concerning the settlement and collection of arrearages of unpaid taxes, assessments and water rates or water rents in towns, townships, boroughs and other municipalities except cities of this state, and imposing and levying a tax, assessment and lien in lieu and instead of such arrearages and to enforce the payment thereof, and to provide for the sale of lands subject to future taxation and assessment," approved May eighteenth, one thousand eight hundred and ninety-eight.

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

1. It shall be lawful for the governing body of any town, township, borough or other municipality, for which commissioners of adjustment have been appointed by the court under the provisions of the act to which this act is a supplement, upon the receipt of a recommendation from such commission, to adopt a resolution authorizing the collector of taxes of such town, township, borough or other municipality to receive in full settlement of the arrears of taxes or assessments remain-

Settlement of
arrears of taxes
or assessments
when recom-
mended by com-
missioners of
adjustment.

ing of record against any particular piece or parcel of land the sum of money recommended by the aforesaid commissioners of adjustment as the sum which, in their judgment, should in equity and justice be paid on account of the same.

When this act
shall apply.

2. The provisions of this act shall only apply in such cases where the full amount of money determined upon as due by the commissioners of adjustment from the owner or owners of any particular piece or parcel of land on account of taxes and assessments has first been deposited with the collector of taxes of the municipality in which such land is situated.

3. This act shall take effect immediately.

Approved March 23, 1899.

CHAPTER 115.

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

Preamble.

WHEREAS, The appropriation made for the erection of an armory in the city of Newark, Essex county, of this state, does not provide for the equipment and furnishing of the same :

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

Further appro-
priation for
Newark armory.

1. The sum of thirty thousand dollars, or so much thereof as may be necessary, is hereby appropriated for the equipment and furnishing of the armory in the city of Newark, and for the grading and paving of the sidewalk and grounds, the said sum, or so much thereof as may be necessary for the said purpose, to be disbursed by and under the direction of the state military board, and the said sum of money, or so

much thereof as may be necessary for the purposes aforesaid, to be paid by the state treasurer out of any funds in his hands not otherwise appropriated, on the warrant of the comptroller, upon requisition of the state military board, approved by the governor; *provided*, the above amount be included in the annual appropriation law. Proviso.

2. This act shall take effect immediately.

Approved March 23, 1899.

CHAPTER 116.

A Further Supplement to an act entitled "An act fixing the compensation of certain public officers of the state," approved March sixteenth, one thousand eight hundred and seventy-six.

Whereas, The annual appropriation of seven thousand seven hundred dollars, fixed by the above-mentioned act, for the compensation of the assistants in the quartermaster-general's department, comprising the employes of the state arsenal and the clerical assistants in the office of the quartermaster-general, having been found inadequate by reason of the increased work devolving on said department; therefore, Preamble.

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

1. There be appropriated and allowed annually for the compensation of the assistants of the quartermaster-general's department, the further sum of one thousand dollars; *provided*, said sum shall not be paid until regularly appropriated. Additional allowance to office of quartermaster-general.
Proviso.

2. This act shall take effect immediately.

Approved March 23, 1899.

CHAPTER 117.

An Act to authorize corporations organized for religious, educational or benevolent purposes to take and hold property to the amount of one hundred thousand dollars, and also to serve as trustee thereof.

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

Authorizing
certain corpora-
tions to acquire,
hold, convey,
etc., property.

1. Any corporation of this state, organized for religious, educational or benevolent purposes, shall be capable of acquiring and holding by purchase, gift, devise, bequest, or otherwise, and also of conveying real and personal property in all of the value of one hundred thousand dollars, and may also act as trustee, executor or administrator, and execute trusts of every description relating to property conveyed, devised or bequeathed to it in trust, not exceeding said amount.

Repealer.

2. All acts and parts of acts inconsistent with this act are hereby repealed, and this act shall take effect immediately.
Approved March 23, 1899.

CHAPTER 118.

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

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

Treasurer
authorized
to pay certain
amounts.

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

Item No. 1. To each clergyman for opening sessions of the senate and house of assembly with prayer, during session one thousand eight hundred and ninety-nine, ten dollars,	\$10 00
Item No. 2. To each officer of the senate and house of assembly of the session of one thousand eight hundred and ninety-eight, who was present and rendered services in opening the session of one thousand eight hundred and ninety-nine, ten dollars,	10 00
Item No. 3. To Mrs. Elizabeth Kucker, for washing towels for senate and house of assembly, sixty-five dollars,	65 00
Item No. 4. To J. C. Rankin Company, for bill-files for house of assembly, session of one thousand eight hundred and ninety-nine, seven hundred and thirty-eight and twenty-six one-hundredths dollars,	738 26
Item No. 5. To J. C. Rankin Company, for stationery, house of assembly, session of one thousand eight hundred and ninety-nine, seven hundred and seventy-seven and ten one-hundredths dollars,	777 10
Item No. 6. To the John L. Murphy Publishing Company, for stationery and supplies furnished the speaker of the house of assembly, session of one thousand eight hundred and ninety-nine, forty-four and eighty one-hundredths dollars,	44 80
Item No. 7. To the John L. Murphy Publishing Company, for stationery furnished assembly committee on municipal corporations, four and seventy five one-hundredths dollars,	4 75
Item No. 8. To the John L. Murphy Publishing Company, for stationery and supplies furnished to Charles H. Folwell, engrossing clerk of the house of assembly, session of one thousand eight hundred and ninety nine, ninety-one and five one-hundredths dollars,	91 05
Item No. 9. To the John L. Murphy Publishing Company, for stationery and supplies furnished to Thomas H. Jones, clerk of the house of assembly, session of one thousand eight	

hundred and ninety-nine, eighty-eight and forty one-hundredths dollars,	88 40
Item No. 10. To MacCrellish & Quigley, for books and calendars furnished house of assembly, session of one thousand eight hundred and ninety-nine, eighty-nine dollars,	89 00
Item No. 11. To John R. Flavell, for supplies furnished to house of assembly, session of one thousand eight hundred and ninety nine, sixty dollars,	60 00
Item No. 12. To L. N. Clayton, for furnishing toilet supplies to John R. Flavell, sergeant-at-arms of the house of assembly, session of one thousand eight hundred and ninety-nine, three hundred and twenty seven and thirty-five one-hundredths dollars,	\$327 35
Item No. 13. To Jerre C. Corson, for services as postmaster of the house of assembly, session of one thousand eight hundred and ninety-nine, one hundred dollars,	100 00
Item No. 14. To Frank B. Robbins, for services as assistant postmaster of the house of assembly, session of one thousand eight hundred and ninety-nine, one hundred dollars,	100 00
Item No. 15. To Martin P. Welsh, for services as keeper of the gentlemen's gallery of the house of assembly, session of one thousand eight hundred and ninety-nine, three hundred and fifty dollars,	350 00
Item No. 16. To Henry Mueller, Jr., for services as keeper of the ladies' gallery of the house of assembly, session of one thousand eight hundred and ninety-nine, three hundred and fifty dollars,	350 00
Item No. 17. To George W. Peek, for services as clerk to committee on corporations of the house of assembly. session of one thousand eight hundred and ninety-nine, three hundred dollars,	300 00
Item No. 18. To Evan F. Benners, for services as assistant clerk in the engrossing department of the house of assembly, session of one	

thousand eight hundred and ninety-nine, five hundred dollars, 500 00

Item No. 19. To Herbert H. Matts, for services as assistant to the clerk of the house of assembly, and clerk to the committee on incidental expenses, session of one thousand eight hundred and ninety nine, five hundred dollars, 500 00

Item No. 20 To Sydney C. Giffard, for services as assistant engrossing clerk, and clerk of committee on appropriations of the senate, for the session of one thousand eight hundred and ninety-nine, five hundred dollars, \$500 00

Item No. 21. To John Denn, for services as clerk of senate committee on revision of the laws and municipal corporations, for the session of one thousand eight hundred and ninety-nine, three hundred dollars, 300 00

Item No. 22. To Joseph Leonard, for services as doorkeeper of the senate for the session of one thousand eight hundred and ninety-nine, three hundred and fifty dollars, 350 00

Item No. 23. To Victor Carlson, for services as coat-room keeper of senate, for the session of one thousand eight hundred and ninety-nine, three hundred and fifty dollars, 350 00

Item No. 24. To Gandy S. Robinson, for services as clerk to senate committee on boroughs and borough commissions, for the session of one thousand eight hundred and ninety-nine, three hundred dollars, 300 00

Item No. 25. To John T. Garwood, for services as clerk to the senate committee on judiciary, for the session of one thousand eight hundred and ninety-nine, three hundred and fifty dollars, 350 00

Item No. 26. To L. N. Clayton, for furnishing toilet supplies to Samuel T. Atchley, sergeant-at-arms of the senate, for the session of one thousand eight hundred and ninety-nine, one hundred and sixteen and thirty-five one-hundredths dollars, 116 35

Item No. 27. To the John L. Murphy Publishing Company, for furnishing stationery and

supplies to Edgar Williams, engrossing clerk of the senate, for the session of one thousand eight hundred and ninety-nine, sixty and eighty-three one-hundredths dollars,

60 83

Item No. 28. To the John L. Murphy Publishing Company, for stationery and supplies furnished the senate, for the session of one thousand eight hundred and ninety-nine, five hundred and twenty-one and five one-hundredths dollars,

\$521 05

Item No. 29. To Samuel Mellor, Jr., for stationery furnished the senate for the session of one thousand eight hundred and ninety-nine, one hundred and six and twenty one-hundredths dollars,

106 20

Item No. 30. To the John L. Murphy Publishing Company, for supplies furnished officers of the senate, for the session of one thousand eight hundred and ninety-nine, one hundred and forty-five and fifteen one-hundredths dollars,

145 15

Item No. 31. To MacCrellich & Quigley, for books, calendars and minute files furnished the senate for the session of one thousand eight hundred and ninety-nine, one hundred and twenty-two and fifty one-hundredths dollars,

122 50

Item No. 32. To MacCrellich & Quigley, for stationery furnished the senate for the session of one thousand eight hundred and ninety-nine, fifty nine and thirty-five one hundredths dollars,

59 35

Item No. 33. To J. L. Hendricks, for furnishing and engrossing oaths of senators and members of house of assembly and officers of the legislature, session of one thousand eight hundred and ninety-nine, fifty dollars,

50 00

Item No. 34. To John J. Matthews, for furnishing one hundred and fifty copies of members' pocket calendars for the senate and house of assembly, session of one thousand eight hundred and ninety-nine, one hundred and fifty dollars,

150 00

Item No. 35. To the joint committee of the legislature, on investigation of state reformatory

at Rahway, for services of experts and expenses,
seven hundred and ten and twenty-five one-
hundredths dollars, \$710 25

Item No. 36. To Thomas F. Fitzgerald,
for ten copies of the legislative manual for one
thousand eight hundred and ninety-eight, fur-
nished the pages of the house of assembly of
one thousand eight hundred and ninety-eight,
ten dollars, 10 00

Item No. 37. To chairman of special joint
committee of the legislature, appointed to pur-
chase a sword for presentation to Admiral
William T. Sampson, of New Jersey, for
sword, two thousand dollars, 2,000 00

Item No. 38. To James Parker, for services
as acting clerk of the house of assembly during
illness of the clerk, two hundred dollars, 200 00

2. This act shall take effect immediately.

Approved March 23, 1899.

CHAPTER 119.

An Act to repeal an act entitled "An act to prevent seine
fishing in the waters of South Shrewsbury river and the
waters of Pleasure bay," approved March fourteenth, one
thousand eight hundred and seventy-three.

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

1. The act entitled "An act to prevent seine fishing in the
waters of South Shrewsbury river and the waters of Pleasure
bay," approved March fourteenth, one thousand eight
hundred and seventy-three, be and the same is hereby
repealed. Repealer.

2. This act shall take effect immediately.

Approved March 23, 1899.

CHAPTER 120.

**A Further Supplement to an act concerning corporations
(Revision of one thousand eight hundred and ninety-six).**

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

Section
amended.

1. The thirty-fourth section of the act to which this is a supplement is hereby amended so that the same shall read as follows :

Election for
directors.

34. All elections for directors shall be by ballot, unless otherwise expressly provided in the charter or certificate of incorporation ; the poll at every such election shall be opened between the hours of nine o'clock in the morning and five o'clock in the afternoon, and shall close before nine o'clock in the evening ; the same shall remain open at least one hour, unless all of the stockholders are present in person or by proxy and have sooner voted, or unless all the stockholders waive this provision in writing ; the persons receiving the greatest number of votes shall be the directors ; *provided, however,* that in all corporations formed under the provisions of this act, a majority in interest of all the stockholders shall be present in person or by proxy to constitute a quorum.

Proviso.

2. This act shall take effect immediately.
Approved March 23, 1899.

CHAPTER 121.

An Act to establish a new township in the county of Ocean and state of New Jersey, to be known as the township of Long Beach.

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

1. All that portion of the townships of Little Egg Harbor, Eagleswood, Stafford, Ocean and Union, in the county of Ocean, lying eastwardly of the main channel of Little Egg Harbor and Barnegat bays, bounded northerly by Barnegat inlet, eastwardly by the Atlantic ocean, southerly by Little Egg Harbor inlet and westwardly by the main channel of Little Egg Harbor and Barnegat bays, shall be and hereby is set off from the said townships of Little Egg Harbor, Eagleswood, Stafford, Ocean and Union, and made a separate township, to be known by the name of Long Beach.

Portions of townships set off.

2. This act shall not be held to affect in any way any boroughs that may now be in existence within the territory incorporated into a township by this act, but there shall be and is hereby reserved to said boroughs, and to each of them, all the rights, privileges and powers that now or may hereafter belong to or be conferred upon them, and each of them, by the laws of this state, as boroughs thereof.

Boroughs within said territory not affected.

3. This act shall take effect immediately.

Approved March 23, 1899.

CHAPTER 122.

An Act relating to sewers.

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

Lawful to change
course of sewer
when it may
endanger impor-
tant structures.

1. When it shall appear in the course of the construction of any public sewer in any municipality that the construction on any part of the route proposed will be dangerous to any railroad tunnel, or other important structure, or public work, in, under or adjoining the street where said sewer is proposed, it shall be lawful for the council, board or other municipal body having charge of sewer construction, to change the route of the sewer to connecting and neighboring streets, so far as may be necessary and convenient to avoid the danger; *provided*, that where the route is changed upon the application of any individual or railroad company or other private corporation, and the cost to the municipality over and above the assessments levied upon property benefited shall be increased by reason of the change, then the municipal authorities may require such increase of cost to the municipality to be paid by the applicant, such increase of cost, if any, to be ascertained by the commissioners or officers making the assessment.

Proviso.

Consent must
be obtained.

2. Before such change shall be ordered the written consent of the owners of a majority in frontage of the land abutting on the new portion of the route shall be filed with the council, board or other municipal body, and said council, board or municipal body shall fix a day for a hearing of parties interested in the change proposed, and direct notice of the time and place thereof to be given by public advertisement for not less than two weeks, and at said time and place shall hear all parties interested who may appear before them.

Hearing.

Contract
amended.

3. Where the work is under contract at the time of such change, it shall be lawful for the council, board or other municipal body to amend their contract with the contractor, and to contract with him to construct that portion of the sewer which extends over the changed route; *provided*, that

Proviso.

the rates for the work and materials on the changed route shall be no greater than the rates specified in the original contract; and that the contractor shall waive all claims for profits on that portion of the original route which has been discontinued; but if the contractor will not undertake the work on the new route on said terms and waive his claim for profits on the discontinued route, then the contract for the work on the new route shall be awarded, after advertisement in the manner required by law, and the original contractor shall be entitled to recover his loss of profits, if any, subject, however, to the provisions of his contract relative to alterations or changes or the like.

In case contractor will not work on new route.

4. The final assessment for the sewer shall be made in the same manner as if the amended route had been described in the preliminary proceedings in place of the original route; if a preliminary assessment has been made, property assessed therein, if deprived of all benefit by the change, shall not be assessed in the final assessment, but property benefited may be assessed if benefited by the construction of the sewer on the amended route, whether included within the preliminary assessment or not.

Assessment.

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

Repealer.

Approved March 23, 1899.

CHAPTER 123.

An Act to amend an act entitled "An act for the better protection and preservation of the oyster industry in the creeks and rivers along the shores of Delaware bay and Maurice river cove," approved May eleventh, one thousand eight hundred and ninety-seven.

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

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

Section amended.

Collector.

4. The said board of directors shall require said collector of the association, before entering upon the duties of his office, to give bond in the sum of two thousand dollars, with two responsible freeholders as security, for the faithful performance of his duties, said bond to be approved by the board of directors; said collector shall, upon the presentation of satisfactory evidence, and upon the payment of a license fee of three dollars, issue to any person resident of this state a license to engage in the business of tonging in the creeks and rivers tributary to Delaware bay, and no person not holding such license shall at any time engage in the business of tonging oysters except as hereinafter provided in section eleven of this act; upon the expiration of his term of office said collector shall deliver all moneys, books, vouchers, receipts, writings or other property of the association to his properly qualified successor; and said collector shall receive as compensation for performing the duties of his office the sum of twenty-five cents for each and every license so issued by him.

Section amended.

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

Use of certain tools forbidden.

9. It shall be unlawful for any person or persons to use or cause to be used any dredge, drag, scrape or patent tongs for the purpose of catching oysters from any of the following-named beds lying along the shore of Delaware bay, in the state of New Jersey, namely, Elder Point beds, Andrews ditch beds, East Point beds, the High beds, Pepper beds, Dividing creek beds, Oranoken creek beds, Nantuxet creek beds, Beach creek beds, Back creek beds at the mouth of Back creek, Cohansey beds at the mouth of Cohansey river, and in any of the creeks and rivers of this state tributary to the said Delaware bay.

Section amended.

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

Closed season.

10. It shall be unlawful for any person or persons to gather, scrape, rake or tong any oysters of any section whatever, in or upon the beds, creeks or rivers of the state of New Jersey, upon the shores of the Delaware bay now in section nine of this act, excepting upon the beds at the mouth of and in Maurice river, for and during the period from the fifteenth day of June until the first day of September in each and every year.

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

Section
amended.

11. Any person, a resident of this state, desiring to engage in the gathering of oysters with hand tongs from the creeks, rivers and beds referred to in section nine of this act, for the purpose of selling or planting, shall first obtain a license from the collector of the Delaware Bay Oyster Tongs' Association and shall pay for the same the sum of five dollars for each and every license so granted, and no person not having such license shall take more than two bushels of oysters from any of such beds in any one day; each license so granted shall be good for one year from the date of its issue; shall be under the hand and seal of such collector, and each license so granted shall be numbered, and the person receiving such license shall have the number thereof printed on the port side of his boat, outside the bow, in black letters on white ground, and each figure thereof shall measure not less than six inches in length and one inch in width; each license so granted shall state the name and residence of the person to whom granted, and the collector shall furnish to each holder of said license a complete list of all licenses so issued by him.

License.

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

Section
amended.

12. All oysters taken from any of the creeks, rivers or beds affected by the provisions of this act shall be culled in or upon the creeks, rivers or beds whence taken, and all undersized oysters, shells and trash removed from such oysters shall be thrown back upon the beds whence the same have been taken.

Oysters culled
where taken.

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

Section
amended.

13. No oysters which measure less than three inches from hinge to mouth shall at any time be taken from any of the creeks, rivers or beds affected by the provisions of this act, or be in the possession of any person whatever after being so taken; *provided*, that this shall not apply to spat or blisters adhering so closely as to be impossible to remove without destruction; but in no case shall this exception amount to more than ten per centum of the bulk of any catch or cargo.

Size of oyster
taken.

Proviso.

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

Section
amended.

Lands below
tidal-water
public.

Proviso.

Penalty for
violation.

Seizure and sale
of vessels violat-
ing law.

15. It shall be unlawful for any person or persons, corporation or corporations, to grow or plant oysters for their own private use, to the exclusion of the inhabitants of this state, upon any land or lands that lie below the tidal-waters of any of the creeks, rivers or beds of the state of New Jersey, in, upon or tributary to the Delaware bay and affected by the provisions of this act; *provided*, that the provisions of this act shall in nowise affect or impair any rights, privileges or property which previous to the passage of the act to which this act is amendatory shall have been acquired under an act entitled "A further supplement to an act entitled 'An act for the preservation of clams and oysters,'" passed the fourteenth day of April, one thousand eight hundred and forty-six, which said supplement was approved March ninth, one thousand eight hundred and fifty-five.

8. Any person, company or corporation violating any of the provisions of this act shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine not exceeding one hundred dollars, or imprisonment for any term not exceeding six months, or both, at the discretion of the court before which such conviction is had; one-half the fine imposed shall be paid to the collector of the Delaware Bay Oyster Tongers' Association, and one-half to the collector of the county where such conviction is had.

9. If any person, company or corporation shall be found violating any of the provisions of this act, and for that purpose using any boat, raft, scow or other vessel, it shall be the duty of all sheriffs and constables, and shall be lawful for any member or officer of the Delaware Bay Oyster Tongers' Association to seize and secure without warrant or process such boat, raft, scow or other vessel, together with all tackle and implements so used, and immediately thereupon give information to any two justices of the peace of the county convenient to the place where such seizure shall be made, who are hereby empowered and required at such time and place as they shall appoint, not less than five nor more than ten days thereafter, summarily to hear and determine the same; and in case such boat, raft, scow or other vessel, with such tackle and implements so used shall be condemned, the same shall be sold by the order and under the direction of said justices, who after deducting all legal costs, charges and expenses of such seizure, condemnation and sale, shall

pay one-half the net proceeds thereof to the collector of the Delaware Bay Oyster Tongs' Association, and the balance to the collector of the county where such sale shall have been made.

10. If any person or persons on board any such boat, raft, scow or other vessel shall refuse and not suffer to enter the same, or resist before or after entering, any of the said sheriffs, constables or officer or member of the Delaware Bay Oyster Tongs' Association, or otherwise resist them, or any of them, in the lawful seizing of the same, then every person so offending shall be deemed guilty of a misdemeanor, and subject to the penalty hereinbefore provided.

Resistance to officers a misdemeanor.

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

Repealer.

Approved March 23, 1899.

CHAPTER 124.

A Further Supplement to an act entitled "An act to establish a bureau of statistics upon the subject of labor, considered in all its relations to the growth and development of state industries," approved March twenty-seventh, one thousand eight hundred and seventy-eight.

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

1. It shall be the duty of every owner, operator, lessee, manager or superintendent of every factory, mill, workshop, mine or other establishment or industry in which labor is employed within this state, to make such reports or returns on blanks furnished by the bureau of statistics of labor and industry as the said bureau may require for carrying out the purposes and compiling such statistics as are authorized in the said act and its supplements; and the said owner, operator, lessee, manager or superintendent shall make such report or return within the time prescribed therefor, and shall certify to the correctness of the same.

Owners, operators of mills, etc., must make certain returns.

Penalty for will-
ful neglect to
make returns.

2. Any owner, operator, lessee, manager or superintendent of an establishment or industry in which labor is employed within this state, who willfully neglects to fill such blank within the time allowed for doing so, or who refuses to fill such blank, shall forfeit for every such delay, refusal, the sum of fifty dollars, to be recovered in a court of competent jurisdiction, by an action in which the state shall be represented by the chief of the bureau of statistics of labor and industry as plaintiff.

Repealer.

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

4. This act shall take effect immediately.

Approved March 23, 1899.

CHAPTER 125.

A Supplement to an act entitled "An act relative to the court of errors and appeals" (Revision), approved March twenty-seventh, one thousand eight hundred and seventy-four.

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

Compensation of
special judges.

1. The compensation for the special judges of said court shall be severally the sum of twenty dollars by the day, for every day they shall respectively attend the court and also for every day not exceeding six days in any term of said court while necessarily engaged in the examination of cases or in the writing of opinions under assignment of the court, such services to be certified by the president of said court; but they shall have no allowance for mileage for attending said court.

No mileage.

Repealer.

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

Approved March 23, 1899.

CHAPTER 126.

An Act concerning the granting of permits for street parades and for the carrying of revolvers or other weapons by individuals in cities of the first class in this state.

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

1. It shall be lawful for the board or body having charge and control of the police force in any city of the first class in this state to fix by resolution or ordinance the amount of fees to be paid in all cases where a permit is issued to any person to carry a revolver or other deadly instrument, and for all permits issued for the conduct of street parades by any organization, individual or otherwise; said permits to be issued and said fees to be collected by the officer or authority now charged with that duty in said city; said fees in both cases to be fixed at a sum not exceeding two dollars, except in the case of the parade of all or any portion of the national guard in such city, when a permit shall be issued without charge; the amount so collected annually to be deposited with the city treasurer of such city to the credit of the sick and pension fund of said police department, to be used only as provided by sections five and seven of the act entitled "An act providing for the pensioning of police officers and policemen in certain cities of this state, and regulating the method by which the same may be accepted and become operative in said cities," approved March thirty-first, one thousand eight hundred and eighty-seven.

Fees paid for carrying revolvers, and street parades.

Disposition of fees collected.

2. This act shall take effect immediately.

Approved March 23, 1899.

CHAPTER 127.

An Act to amend an act entitled "An act prescribing the manner in which a newly created municipality shall succeed to and shall take the assets and liabilities of the municipalities out of which it is created," approved April twenty third, one thousand eight hundred and ninety-seven.

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

Section
amended.

1. The first section of an act entitled "An act prescribing the manner in which a newly created municipality shall succeed to and shall take the assets and liabilities of the municipalities out of which it is created," approved April twenty-third, one thousand eight hundred and ninety-seven, be amended to read as follows :

Succession of
newly-created
municipality to
assets and
liabilities.

1. Whenever any township, village, borough, town, city or other municipality which has been heretofore or may be hereafter created or incorporated, it shall have and own all the property, assets and liens which at the time of its incorporation belonged to or were vested in any municipality existing within its limits, and a proportionate amount of the property, assets and liens belonging to any municipality any portion of whose territory is embraced within its limits; it shall also be liable to pay the bonded and other indebtedness of any municipality which before its incorporation existed within its limits, and a proportionate amount of the bonded or other indebtedness of any municipality, a portion of the territory of which was included therein; which proportionate amount of property, assets or indebtedness shall be ascertained in the manner hereinafter provided.

2. This act shall take effect immediately.

Approved March 23, 1899.

CHAPTER 128.

An Act to reimburse the town of Kearny for moneys laid out and expended in opening, grading, telfordizing, curbing and flagging Belgrove drive through the grounds of the home for disabled soldiers, in the town of Kearny.

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

1. The sum of two thousand nine hundred and sixty-four dollars and five cents is hereby appropriated out of the state fund to the town of Kearny, to reimburse said town for the moneys laid out and expended in opening, grading, telfordizing, curbing and flagging Belgrove drive through the grounds of the home for disabled soldiers, in the town of Kearny; *provided*, the above amount be included in the annual appropriation law.

Kearny reimbursed for expenditures made at soldiers' home.

Proviso.

2. This act shall take effect immediately.

Approved March 23, 1899.

CHAPTER 129.

An Act providing for changing, altering and relocating the lines, boundaries and location of unopened streets and avenues in certain cases in cities of the second class of this state.

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

1. Where in any city of the second class of this state the power and authority is in the city council or other governing body to lay out and open streets or avenues, in conformity to any map or maps filed by any commissioners

Council empowered to amend maps by altering lines of streets, etc.

heretofore appointed to lay out streets, squares and avenues in such city, and in which the term of office of such commissioners has expired, it shall be lawful for such city council or other governing body of any such city, and they are hereby authorized and empowered, by ordinance adopted by the vote of two thirds of all the members thereof, to amend any such map or plan by changing, altering and relocating the lines, boundaries and location of any unopened street or avenue, or section of street or avenue, shown or designated thereon.

Petition must
be presented.

2. No ordinance shall be passed or adopted unless a petition for the same, signed by the owners of at least one-half the land fronting on the street or avenue or section thereof proposed to be changed or altered, setting forth particularly the changes and alterations of lines, boundaries and location desired to be made, be presented to the city council or other governing body; upon receiving such petition the city council or other governing body may, upon consideration thereof, dismiss the same or may order the same to be published for two weeks successively, at least once in each week, in two newspapers published in the county and circulating through the city, together with a notice designating the time and place (to be fixed by the city council or other governing body) when and where the city council or other governing body will meet to further consider and hear all objections that may be made to such petition, and at the time and place mentioned in such notice the city council or other governing body shall meet and shall hear all persons who shall desire to be heard in favor of or against such petition; and at any time thereafter the said city council or other governing body may either dismiss said petition or pass the ordinance prayed for therein; upon the passage of any such ordinance the changes and alterations in the lines, boundaries and location of any street or avenue, or section of street or avenue therein made or authorized, shall be delineated on said map or plan, and when such street or avenue or section thereof shall be thereafter laid out and opened, it shall conform to the changes and alterations made in and by such ordinance.

Council to
consider.

Public hearing.

Lines delineated
upon passage
of ordinance.

Repealer.

3. All acts and parts of acts, general, special, local, public or private, inconsistent with the provisions of this act be and the same are hereby repealed.

4. This act shall take effect immediately.

Approved March 23, 1899.

CHAPTER 130.

An Act to amend an act entitled "An act to authorize the treasurer of this state to invest the 'fund for the support of public schools' of this state," approved March first, one thousand eight hundred and eighty-six.

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

1. Section one of an act entitled "An act to authorize the treasurer of this state to invest the 'fund for the support of public schools' of this state," approved March first, one thousand eight hundred and eighty-six, is hereby amended to read as follows :

Section
amended.

1. The treasurer of this state, under the direction of the "trustees for the support of public schools," is authorized to invest the fund for the support of public schools of this state in the bonds of the several school districts legally issued for the purpose of building school-houses.

School fund may
be invested in
bonds of school
districts.

2. This act shall take effect immediately.

Approved March 23, 1899.

CHAPTER 131.

An Act to amend an act entitled "An act to authorize the improvement of streets and highways in cities of this state, and to provide for the payment of the expense of the same," approved June thirteenth, one thousand eight hundred and ninety-eight.

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

1. Section one of the act to which this is an amendment is hereby amended so as to read as follows :

Section
amended.

Bonds issued
for street
improvements.

Amount.

Streets and
pavement
designated.

Contract.

Section
amended.

Description
of bonds.

Payment of
principal and
interest.

1. The common council, board of aldermen or governing body of any city in this state may, by ordinance, authorize the issuing of municipal bonds for the purpose of obtaining money from the sale thereof for the permanent improvement of the streets and highways of such city with permanent and durable material of a kind to be determined in each instance by the body or board of any city charged with the improvement of streets before the work is commenced, to an amount not exceeding twelve dollars per capita for each of the inhabitants of said city, according to the last state census, but not more than one hundred and fifty thousand dollars of said total amount shall be raised by the issue and the sale of bonds in one calendar year; that said bonds may be issued before or after the work is commenced; that the legislative body of any city or other body charged with the duty of improving the streets of any city may improve any street or highway, or portion thereof, with such pavements as aforesaid with the money obtained from the sale of said bonds; the streets to be improved shall be designated by ordinance, together with the kind of pavement proposed to improve them with; all work, however, shall be given out upon contract to the lowest responsible bidder, and only after bids therefor have been solicited and received; and the said common council, board of aldermen or other governing body as aforesaid shall have the right to reject any and all of such bids.

2. Section two of said act is hereby amended to read as follows:

2. The bonds authorized to be issued as aforesaid shall be made payable at any time within twenty years from the date of the same, and shall draw interest at a rate not exceeding five per centum per annum, and shall be of such denomination as the board or legislative body hereinbefore authorized to issue the same may determine, and all such bonds shall be signed by the mayor and such other officer as the board or body issuing the same may determine, and they may either be registered or coupon bonds; all of the said bonds shall be numbered, and a register of such numbers, the date of issuing and the time of payment of the same shall be made by the comptroller, or other proper financial officer, in a book to be provided for that purpose, and none of said bonds shall be sold for an amount less than its par value; that the interest on the bonds shall be raised annually by taxation,

and the principal of said bonds shall be paid by the city at maturity, and that money derived from assessments made as hereinafter provided for upon the property benefited by such improvements shall, when collected, be held as a fund toward the payment of the bonds issued for the purpose of making such improvements.

3. Section eleven of said act is hereby amended to read as follows:

Section
amended.

11. No bonds shall be issued, however, under the provisions of this act, where the amount of such bonds, together with all funded and floating indebtedness of such city then outstanding, after deducting the available sinking funds thereof, shall exceed ten per centum of the valuation of the real and personal property in the city as assessed for the purpose of taxation in the year next prior to the issue of bonds under this act, unless the issue of such bonds shall be authorized by the votes of three-fourths of the members of the council or other governing body of the city and approved by the mayor thereof.

Limitation to
issue of bonds.

4. This act shall take effect immediately.

Approved March 23, 1899.

CHAPTER 132.

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

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

1. Where in any town, borough or township specified in the act to which this is a supplement, there shall not be published any newspaper, the notice required by the first section of above act to be published in a newspaper published and

Publication
of notices.

circulating in such town, borough or township shall be published in some newspaper published in the county in which said town, borough or township is situated and circulating in said town, borough or township, in the same manner and having the same contents and for the same length of time as required by the said first section of said act when the same is published in some newspaper published and circulating in said town, borough or township, and shall be mailed and in all other things proceeded with as required by the said first section of said act.

When corporation has lien on land to be sold in fee-simple.

Service of certified copy.

2. Where any corporation has an estate in or lien upon the lands specified in the said act and authorized to be sold in fee-simple thereby, then the same proceedings in all things shall be taken in regard thereto as are required by said act to be taken concerning the lands specified and authorized to be sold in fee-simple thereby, wherein any person or persons have an estate in or lien upon the same, and all the provisions of said act shall apply thereto; except that the service of the certified copy of the order to show cause, required by the first section of said act, shall be made by the same being sent by mail, with the full postage thereon prepaid, directed to said corporation by its name, to its principal office in this state, and in case the principal office of said corporation in this state cannot be ascertained upon careful inquiry, that then a notice, as required by the first section of said act, directed to said corporation, shall be published in some newspaper published in the county wherein said town, borough or township is situated and circulating in said town, borough or township; and that such copy of said rule to show cause shall be mailed as aforesaid within thirty days from its date, or the said notice shall be published as aforesaid within the same time, for the space of six weeks consecutively, once in each week, and upon the return day of the aforesaid order to show cause there shall be presented to the court proofs of the time and manner of mailing of said certified copy of said order, or of the publication of said notice and of the manner in which inquiry has been made for the said principal office of such corporation; that if the court shall not be satisfied by the proofs that due inquiry has been made for such principal office, or in other respects is not satisfied with the manner in which said certified copy of said rule to show cause has been served, or in which said notice has been published, or deems that further or other notice

shall be given, the hearing may be continued to a later day and further order made for the service of such order or the publication thereof, or both, in such manner as the court may think proper.

3. This act shall take effect immediately.

Approved March 24, 1899.

CHAPTER 133.

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

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

1. The board of education of any school district may establish a kindergarten school, or a kindergarten department in any school under its control, and shall admit to such kindergarten school or department any child over the age of five and under the age of seven years, who is a resident of the district; *provided*, that no child under the age of five years be admitted to any public school unless such school be a regularly organized kindergarten school or shall have a kindergarten department.

Kindergarten
may be estab-
lished.

Proviso.

2. Every teacher in a kindergarten school or department shall hold a special kindergarten certificate, issued either by the state board of examiners or by the board of examiners of the county or city in which he or she is teaching.

Special
certificate.

3. The expenses of kindergarten schools or departments shall be paid out of any moneys available for the current expenses of the schools, and in the same manner and under the same restrictions as the expenses of the other schools or departments are paid.

Expenses.

4. This act shall take effect immediately.

Passed March 24, 1899.

CHAPTER 134.

An Act to provide for the opening, laying out, altering and widening of streets in any city of the fourth class in this state.

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

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

Commissioners appointed to assess damages and benefits.

1. It shall be lawful for the common council or other similiar municipal body of any city of the fourth class of this state, by ordinance, to lay out or open any street, road or highway in any part of the said city, and to cause any street, road, highway or alley already laid out in any part of the said city to be opened, altered or widened, whensoever and so often as they shall judge the public good requires the same to be done; and for that purpose to appoint three judicious and disinterested citizens of said city as commissioners to make an estimate and assessment of the damages that any such owner or owners of any land or real estate necessary to be taken shall sustain by opening, laying out, altering or widening any such street, road, highway or alley, and to ascertain the whole amount of damages and expenses incident to such laying out, opening, altering or widening, and to make a just and equitable assessment thereof among the owners and occupants of all the lands, tenements and real estate benefited thereby in proportion to the advantages each shall be deemed to acquire.

Public notice.

2. The said common council or other similar municipal body shall cause notice of the introduction of any ordinance or ordinances for the purposes set out in the first section of this act, to be given by publication for ten days before the final passage and adoption of such ordinance or ordinances, in one or more newspapers published and circulating in any such city; and such notice so published shall be a good and sufficient notice to all persons interested of the intention of said common council or other similar municipal body to cause said public improvement to be made, and to take such land or real estate as may be necessary for that purpose.

3. The said commissioners shall appoint a time and place within the said city to meet, notice whereof shall be given by advertising the same in two newspapers printed in the city, if so many there be, two weeks before the time of meeting, which notice shall specify the street, road, highway or alley proposed to be laid out, opened, altered or widened, the alterations proposed to be made and the lands or real estate intended to be taken for such purposes; and the said commissioners, or a majority of them, when met, shall have power to swear and examine witnesses, and shall view the premises if necessary, and make just and true estimates and assessments and report their proceedings to the common council or other similar municipal body, and when the common council or other similar municipal body shall have taken final action upon said report, it shall be binding and conclusive upon the owner or owners of any lands or real estate affected thereby; and upon payment of the damages so awarded, or upon a tender and refusal thereof, it shall be lawful for the common council or other municipal body to cause the said land or real estate necessary to be taken as aforesaid to be entered upon and used for the purpose of the contemplated improvement.

Time and places
of meeting;
proposed
streets, etc.

Duty of com-
missioners.

Final action
binding.

4. The person whose lands shall have been taken shall be entitled to receive from said city, within sixty days from the time of making the final order of the council, the amount of damages sustained by them respectively, with interest from the date of said final order, and may after the said period of sixty days, sue for and recover the same from the said city in an action of debt, with costs, in any court having cognizance thereof, and the said proceedings of the said commissioners and common council, or other similar municipal body, shall be conclusive evidence against the defendants.

Compensation
for land taken.

5. Any assessment made by virtue of this act shall bear interest at the rate of ten per centum after thirty days from the day the same is ratified by the final order of the city council, or other similar municipal body, and not before, and shall continue and remain a lien upon the lands and real estate so assessed until the said assessment, with the interest and expenses, shall be paid or the amount thereof discharged by sale of said lands and real estate by the city; and it shall be the duty of the city clerk to send by mail written notice of any assessment made by the provisions of this act to each

Assessment to
bear interest,
and a lien.

person assessed thereby within five days from such final order.

Amount assessed
against property
not to exceed
benefit.

Excess of benefit
paid by city
treasury.

In case of non-
payment.

Oath; vacancy.

6. No land or real estate shall be assessed for any such street, road or highway laid out, opened, altered or widened by virtue of this act a greater amount than such land or real estate shall be benefited by such improvement; and in case the whole expenses of any such improvement shall exceed the amount assessable for the benefits, then the balance of such expense shall be paid out of the city treasury; all assessments which shall be made or assessed by virtue of the provisions of this act upon any lands or tenements within said city shall be and remain a first lien thereon until paid, notwithstanding any devise, descent, alienation, mortgage or other incumbrances thereon; and in case any assessment shall not have been complied with by payment within three months after the notification by mail as aforesaid, the same shall be collected as is now provided by law.

7. All commissioners appointed by the provisions of the first section of this act shall, before they enter upon the execution of the duty required of them, be sworn or affirmed before any person authorized by law to administer oaths, to assess the said damages and benefits, fairly and impartially, according to the best of their skill and judgment, and in case of the resignation, death or disability of one or more of such commissioners, it shall be lawful for the common council or other similar municipal body to fill by appointment the vacancy or vacancies thus created without prejudice to any proceedings already taken by such commissioners.

8. This act shall take effect immediately.

Approved March 24, 1899.

CHAPTER 135.

An Act for the incorporation of cities, and providing for their officers, government and powers.

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

1. The inhabitants of any city, town, borough or township, containing a population of more than twelve thousand inhabitants, may become a body politic and corporate in fact and in law, by the name and title of "the mayor and city council of _____" (specifying the name to be borne by such city), whenever at any special election called for that purpose, or at any city, town or charter meeting or election at which the question of incorporating under this act is submitted, as hereinafter provided, it shall be so decided by a majority of the voters thereof voting at any such election.

May become
body politic.

2. The council, township committee or other governing body of any such city, town, borough or township, upon the petition, in writing, of at least fifty resident freeholders, which petition must designate the name proposed for said city and that the boundary lines of the city are to be concurrent with the lines of such existing city, town, township or borough, may, by the votes of the majority of all the members thereof, pass a resolution or ordinance for the holding of a special election in such city, town, borough, township for the purpose of deciding whether such city, town, borough, township shall become incorporated as a city under the provisions of this act, which resolution or ordinance shall prescribe the time and place or places of holding such special election and such other regulations respecting the same as may be deemed necessary and proper; *provided, however,* that instead of providing for a special election such resolution or ordinance may provide for submitting the question of incorporating as a city under this act to the voters of such city, town, borough or township, at

Special election
may be held,
upon petition.

Proviso.

the city, township, borough or town charter meeting or election to be held next thereafter.

Notice of
election.

3. If a special election be called, notice of the same shall be given by advertisement published in two newspapers, one of which shall be printed and published in such city, town, borough or township, and if there be none, in at least two newspapers published in the county and circulating in such city, town, borough or township at least once, and by printed notices posted in at least one hundred conspicuous places therein, at least ten days next preceding the time appointed for such special election, which advertisement and notices shall specify the time, place or places and the object and purpose of holding such election; and in case said resolution or ordinance provides for submitting the question of incorporating as a city under this act at a city, township, borough or town or charter meeting or election, notice thereof shall be given by advertisement published in two newspapers, one of which shall be printed and published in such city, town, borough or township, and if there be none, in two newspapers published in the county and circulating in such city, town, borough or township for two weeks successively next preceding the day appointed by law for holding such election, at least once in each week, and by printed notices posted in at least one hundred conspicuous places therein at least fifteen days prior to the day appointed by law for holding such election, which advertisement and notices shall set forth that the question of incorporating as a city under the provisions of this act will be submitted at the next ensuing city, township, borough or town or charter meeting or election.

Special election;
how conducted.

4. Any special election held under the provisions of this act shall be by ballot, and shall be held and conducted under the general acts respecting elections, and the votes shall be canvassed and counted in the manner provided by law for canvassing and counting votes at city, town or local elections held in such city, town, borough, township; the ballots shall contain the words "for incorporation as a city under the act entitled 'An act for the incorporation of cities and providing for their officers, government and powers,'" or "against incorporation as a city under the act entitled 'An act for the incorporation of cities and providing for their officers, government and powers,'" and in case the question of incorporation as a city under this act shall be submitted

at the city, township, borough or town or charter meeting or election, the words "for incorporation as a city under the act entitled 'An act for the incorporation of cities and providing for their officers, government and powers'" shall be printed on each ballot beneath the list of candidates thereon; if said words or proposition be marked off or defaced upon the ballot it shall be counted as a vote against the same; if not marked off or defaced the ballot shall be counted as a vote in favor thereof; if a majority of the votes so cast at any special city, township, borough or town or charter meeting or election shall be in favor of incorporation as a city under this act, then, within three days after the result of the election shall have been declared a certificate of the result of such election, signed by the chairman of the council, committee or governing body of such city, town, borough, township, and attested by the clerk thereof, together with certified copies of the petition, ordinance and statement of the board of canvassers or election officers who canvassed the vote, and proof by affidavits that due notice of such election was given, shall be filed with the secretary of state, and from and after filing the same such city, town, borough, township shall be and it is hereby declared to be a body politic and corporate, in fact and in law under this act, by the name and title aforesaid, and by said name and title shall have perpetual succession, sue and be sued, prosecute and defend in all courts in this state, have a common seal and alter same at pleasure, and purchase, hold and convey real and personal property for the use and benefit of the city.

Action if majority decide in favor of incorporation.

5. It shall be the duty of the council, township committee or other governing body of such city, town, borough, township, which shall have voted as aforesaid for incorporation as a city under this act, to divide such city into not less than three wards; each ward shall consist of contiguous territory, and each shall contain as nearly as possible an equal number of inhabitants; *provided, however*, that such division into wards shall be made at least one month before the first annual city election held under this act; *and provided further*, that where any city, town, borough, township shall have been divided into three or more wards before adopting this act, such division shall continue, and such existing wards shall constitute the wards of the city as formed and incorporated under this act; *and further*, that the city council may be empowered once in four years, or upon the addition of

Divided into wards.

Proviso.

Proviso.

Proviso.

new territory, if it shall be deemed needful to increase, revise and alter the existing wards in such manner as to secure an equal division of inhabitants in each.

Continuance
of officers.

6. The officers of any city, town, borough, township, which has voted as aforesaid for incorporation as a city under this act, who shall hold office at the time of filing the aforesaid certificate with the secretary of state, shall continue to hold their respective offices until the first day of May next succeeding the first annual city election held under this act, and shall in all things be subject to the provisions of this act in the same way as if they had been elected hereunder; and no surety of any such officer shall be discharged from liability on account of any change made in the duties of such officer by this act, unless, within five days after this act becomes operative in such city, he shall, in writing, notify the council of his intention to withdraw from his suretyship, in which case he shall be discharged from liability from the time this act becomes operative in such city; and the council may require such officer to furnish new additional sureties in place of the ones withdrawing as aforesaid; and if he fails or neglects so to do, the council may declare his office vacant, and may fill such vacancy in the manner hereinafter prescribed for the filling of vacancies.

Sureties; their
liability.

Certain offices
filled by
appointment.

7. The council or governing body of the city may fill by appointment all such offices herein provided for which did not exist in the city, town, borough, township of which it is the successor; and all such appointments to elective offices shall hold only until the first day of May next succeeding the first city election held under the provisions of this act, and all other such appointments shall hold only until the first day of June next thereafter.

Rights and
obligations.

If adjoining city,
etc., wishes to
be annexed.

8. Any city which may be formed or incorporated under the provisions of this act shall take, hold, possess and enjoy and become absolutely vested with all the rights and property of the city, town, borough, township of which it is the successor, and shall be responsible for and liable to all contracts, debts and obligations of such city, town, borough or township; and whenever a majority of the voters of any adjoining city, town, borough, township shall be annexed and incorporated within the limits of any city incorporated under this act, and shall so express their willingness by resolution of its governing body to the city council of any city incorporated under this act, it shall be lawful for the

mayor of the city, with the approval of a two-thirds vote of the city council, to submit such proposal to a vote of the people of the city at a special or annual election; and if a majority of the voters shall be in favor of enlarging the limits of the city and accepting the proposal, then to take all necessary legal action, if any, to receive the said district into the city limits; and upon the acceptance of the proposal by the city, said city, town, borough or township government shall be deemed dissolved within the said territory and the said territory shall become a part of the said city.

Proposition
submitted to
people.

9. The city and ward officers of the city shall be a mayor, a city council, consisting of two councilmen from each ward, a city clerk, a receiver of taxes, a city treasurer, a city counsel, a board of three assessors, a recorder, an overseer of the poor, a board of education, consisting of two members from each ward, a board of three excise commissioners, a health inspector, a city physician, a chief of police, a chief of the fire department, a street commissioner, three constables from each ward and such number of justices of the peace as the city may be entitled to under the constitution and laws of this state; and all cities incorporated under this act shall be entitled to be represented by not less than two freeholders of the board of chosen freeholders of the county in which they are respectively chosen or as now allowed by law; in the first election held under this act, one councilman and one member of the board of education shall be elected from each ward for one year, and one for two years, and thereafter there shall be elected at each annual election one member each of the city council and board of education for two years; at the first election for members of the board of assessors, one member shall be elected for one year, one for two years and one for three years, and thereafter one member shall be elected each year for three years; in the first election for constables under this act there shall be elected in each of the wards one constable for one year, one for two years and one for three years, and thereafter in each ward one constable each year for three years; the board of assessors shall have authority to assess for taxes, determine and equalize all valuations of property in such city, and such city shall have as many votes in the board of county assessors in the county of which such city is as there shall be wards in any such city.

Officers.

Elective and
appointable
officers.

10. The mayor, councilmen, assessors, constables and members of the board of education shall be elected at an annual city election; the city treasurer, city attorney, recorder, health inspector, overseer of the poor, chief of police, receiver of taxes, city physician, chief of the fire department, street commissioner and excise commissioners shall be appointed by the mayor, on the confirmation of the city council, for the terms hereinafter provided; and not more than two members of the board of excise commissioners shall belong to the same political party.

Charter election

11. The annual city election shall be held on the second Tuesday in April in each year, between the hours of seven o'clock in the morning and seven o'clock in the afternoon, at the place or places in each ward designated by the council, in the same manner and under the same regulations in all things as is prescribed by law for election of members of the general assembly of this state; notice of the time and place or places of such election and of the officers to be chosen shall be given by the city clerk at least two weeks before the day of election, by publication in two newspapers, one of which shall be printed and published in the city, and if there be none, by publication in at least one newspaper published in the county in which the city is situated and generally circulating in the city; no person shall be permitted to vote at any such election unless he is an actual resident of the election district in which he offers his vote; immediately after the polls shall be closed at any such election the election officers of each election district 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 twenty four hours thereafter they shall deliver one such statement to the judge or inspector, who shall be delegated to attend the meeting of the board of city canvassers, and one to the city clerk and one to the county clerk, to be by them filed in their respective offices.

Plurality
to elect.

12. The person or persons receiving the greatest number of votes of those given in the city for any city office and of those given in each ward respectively, for any office in or from the ward, shall be declared to be elected.

Board of
canvassers.

13. The board of city canvassers shall consist of one judge or inspector of election from each election district in the city, who shall be appointed for that purpose by the other elec-

tion officers (excluding the clerk) of such district, a majority of the board shall constitute a quorum, and the city clerk shall be clerk of said board; the board shall meet on the Friday next after such election, at three o'clock in the afternoon, at the city hall or place designated by the city council, and shall choose one of their number to be chairman thereof; if the city clerk shall fail to attend, the board may appoint one of their own number to be clerk thereof; thereupon the members of the board shall produce the statements which shall have been delivered to them as aforesaid, and lay the same before the board, and from such statements the board shall proceed to ascertain the votes given at such election for the several officers voted for thereat; if for any reason any member of such board shall fail to produce such statement, that then, on the request of the board, the city clerk shall produce and lay before the board the statement filed with him, and the same may be used with the like effect as if it had been produced by the member so failing to deliver his statement.

14. The said board of canvassers shall make a written statement of the number of votes given for the several officers to be elected for said city and the several wards thereof, the names of the persons for whom such votes were given and the number of votes given for each; that upon such statement said board shall proceed to determine and declare what person or persons have received the greatest number of votes for each of the officers mentioned in such statement; the statement and final declarations of the board shall be certified to by the presiding officer and clerk, and shall be filed with the city clerk and be by him recorded in a book to be kept for that purpose, and within two days after such canvass of the votes, the city clerk shall deliver to every person elected to any city or ward office a certificate thereof under the seal of the city.

Duty of
canvassers.

15 If at any such election there shall be a failure to fill any office, except that of councilman or member of the board of education, by reason of two or more persons having received an equal number of votes therefor, the city council then in office shall by ballot elect one of the persons so receiving an equal number of votes to fill such office until the next city election, when the unexpired portion of the term (if any) shall be filled by the electors of the city or ward; and if there shall be a failure for like cause to fill the

Failure to elect.

office of councilman or member of the board of education, a new election for such officer or officers shall be immediately ordered by the city council.

Eligibility.

16. No person shall be eligible to any office under this act unless he shall be an actual resident in the city; and no person shall be eligible to any ward office unless he shall be an actual resident of the ward; and no person shall be eligible to any office unless he is a citizen of the United States; when any person elected or appointed to any city or ward office shall remove from the city or ward his office shall thereby become vacant.

Vacancies in
elective offices.

17. In case a vacancy occurs by reason of the death, resignation, inability, disqualification, removal or refusal to serve of or by any city or ward officer elected as aforesaid, it shall be lawful for the city council to fill such vacancy by the appointment of a suitable and qualified elector to hold until his successor shall have been duly elected and qualified, and the unexpired portion of the term (if any remain) shall be filled at the city election to be held next after such appointment; in case any such vacancy shall occur in the board of education, said board of education may fill such vacancy by appointment until the next city election, when the vacancy shall be filled by the electors of the city; if at any city election there shall be a vacancy in any office to be filled and at the same time an election for a full term of such office, the term for which each person shall be voted for shall be designated on each ballot cast therefor.

Vacancies in ap-
pointable offices.

18. In case any such vacancy as aforesaid shall occur in any office which is filled by appointment by the city council, the said city council shall have power to fill such vacancy by the appointment of a suitable person to hold for the unexpired portion of the term of such office.

Qualification.

19. Every person elected or appointed under this act to any office shall, within ten days after such election or appointment, take and subscribe before an officer qualified to administer oaths, an oath or affirmation, faithfully and impartially to execute the duties of his office according to the best of his ability and understanding, which oath or affirmation shall be filed in the city clerk's office, and if any person so elected or appointed shall fail so to qualify then his office shall be deemed vacant and may be filled in the manner hereinbefore provided.

20. The city clerk, city treasurer, receiver of taxes and such other officers as the city council may require, before they enter on the duties of their office and within such time as the board of council may by ordinance prescribe, shall give bonds to the city in its corporate name in such sums and with such sureties as the board of council shall require and approve for the faithful performance of their duties, which bonds, when so given, shall bind the obligors therein named until the successors to the officers giving the same shall be actually inducted into office, and if any officer shall fail or neglect to give bonds in the sum or with the sureties or within the time required by such ordinance, the council may declare such office vacant, and such vacancy shall be filled in the manner hereinbefore provided.

Bonds required
from certain
officers.

21. The official terms of the several officers who shall be elected under this act shall commence on the first day of May next succeeding their election; and the term of any officer who shall be appointed by virtue of this act shall commence on the first day of June next succeeding his appointment, except in cases otherwise provided for in this act, and every officer shall hold his office during his official term and until his successor shall have been duly elected or appointed and shall have duly qualified.

Term of office.

22. It shall be the duty of every officer in said city, within ten days after the expiration of his term of office or his removal therefrom, to deliver to his successor in office, or to such person as the city council may appoint, all books, records, papers, vouchers and property of every kind in his possession or under his control belonging to said city or appertaining to such office, and for a willful refusal so to do he shall be guilty of a misdemeanor.

Duty at expira-
tion of term.

23. The salaries and compensation to be paid to the mayor, councilmen, city clerk, the receiver of taxes, the city treasurer, the city attorney, the recorder, the assessors, the chief of police, chief of the fire department, health inspector, city physician, street commissioner, members of the police and fire departments, the overseer of the poor and commissioners of assessment, and all other public officers shall be fixed by ordinance, and the salary or compensation of any officer which has been fixed as aforesaid shall not be increased or diminished during his term of office, and all fees paid to any of said officers for any services required of them by this act or by any ordinance or resolution of the city council,

Salaries.

shall immediately after the receipt thereof be paid by such officer to the city treasurer for the use of the city unless herein otherwise specially provided.

Officers : how
governed.

24. All officers of the city shall be governed by such general ordinances as the city council may from time to time adopt not inconsistent with the provisions of this act and the laws of this state, and any officer may be removed from office for cause by a two-thirds vote of all the members of the council, but no such removal shall take place until the person sought to be removed shall have had an opportunity of being heard in his own defense; but the provisions of this section shall not apply to the mayor or any member or officer of the board of education.

Clerk ; duties,
etc.

25. The city clerk shall be elected by the city council, and shall hold office for the term of two years, and shall, in addition to the duties required of him by this act or any other law of this state, have charge of all the records, books and documents of the city, except when the city council shall otherwise direct; he shall keep a record of the proceedings of the council; he shall engross, in writing in ink, all ordinances in a book to be provided for that purpose, which book shall be deemed a public record of such ordinances, and each ordinance shall be signed in said book by the mayor, if he approve the same, and the chairman of the council and said clerk; copies of all papers duly filed in the office of the city clerk and transcripts thereof, and of the records and proceedings of the council and copies of the ordinances of said city, certified by the said clerk, under the corporate seal of the city, shall be evidence in all courts and places; the city clerk shall pay over to the city treasurer, without delay, all moneys received by or paid to him for the use of the city; his office shall be at the city hall or the place designated by the city council, and he shall keep the same open for the transaction of public business during such hours as the council shall by ordinance prescribe; it shall be lawful for him to charge and receive for his own use, at the rate of ten cents per folio, for copies of all official papers and records and for the return to any writ of certiorari made by him.

Mayor ;
duties, etc.

26. At the first city election held under this act, a mayor shall be elected for two years, and at the annual election every two years thereafter; he shall be the chief executive officer of the city, and may recommend the city council to

pass such measures as he may deem necessary or expedient for the welfare of the city ; it shall be his duty to communicate to the city council, at their first meeting in each year, and at other times when he shall deem it expedient, a general statement of the condition of the city in relation to its government, finances and improvements, with such recommendations as he may think proper ; to be vigilant and active in causing the laws and ordinances of the city to be executed and enforced ; to exercise a constant supervision over the conduct of all subordinate officers, and to examine into all complaints preferred against them for violation or neglect of duty ; and generally, to perform all such duties as may be required of him by law or ordinance ; that he is hereby invested with all the powers which any police justice may now or may hereafter have by law, and that for the purpose of quelling any insurrection, riot, disturbance or disorderly assemblage, the said mayor shall have control of the marshals, constables, watchmen and other police force of the city, and power to call upon the citizens for aid in cases of insurrection, riot or disturbance of the public peace, and when he shall deem it necessary to call out the militia of the city, if any, and employ the same in quelling such insurrection, riot or disturbance ; every resolution or city ordinance passed by the city council shall, before it takes effect, be presented to the mayor by the city clerk, duly certified by the chairman of the city council and city clerk ; if he approve it, he shall sign it ; if not, he shall return it with his objections, and file it with the clerk within ten days after receiving it ; and the city council shall at its first regular meeting thereafter enter the objections at length on its journal, and shall proceed to reconsider the same, and if two-thirds of all the members of the city council agree to pass the same, it shall take effect, but in every such case the vote shall be taken by ayes and nays and entered on the journal ; and if such ordinance shall not be returned within ten days as aforesaid, it shall take effect in like manner as if the mayor had signed it ; and each and every ordinance so passed as aforesaid shall be published for the space of two weeks in two newspapers, one of which shall be printed and published in the city ; that whenever there shall be a vacancy in the office of mayor, or whenever the mayor shall be prevented by absence from the city, sickness or any other cause from performing the duties of the office, then the

chairman of the city council shall act as mayor pro tempore, and he shall possess all the rights and powers of the mayor, until such disability be removed, or a new mayor be elected.

City council ;
how constituted,
etc.

27. The councilmen from the several wards shall constitute the city council; they shall be elected for two years except as hereinbefore provided; they shall meet annually for organization on the first day of May, unless that day shall fall on Sunday, in which case they shall meet on the day preceding; they shall elect one of their own number chairman by a majority vote, whose duty it shall be to preside over all meetings of the city council, and in his absence the council may elect a chairman pro tempore; a majority of the whole number of councilmen shall constitute a quorum for the transaction of business, but a smaller number may meet and adjourn from time to time; the city council shall hold stated meetings at least once in each month, at the city hall (or if there be none, at such place within the city as they may appoint by resolution) at such time as may be appointed; they shall determine and establish the rules of their own proceedings, and pass ordinances, by-laws and resolutions pertaining to the purposes and objects of the corporation as may be necessary for properly carrying out the provisions of this act; the mayor or chairman of the city council shall each have power to call special meetings of the council when necessary, and in case of their neglect or refusal to do so, it shall be lawful for any three members of such council to call any special meeting by written or printed notice to each member, served personally or left at their places of residence at least twenty-four hours previous to the time appointed for such meeting.

Special
meetings.

Receiver of
taxes.

28. The receiver of taxes shall hold office for the term of two years, and it shall be his duty to receive and collect all moneys due to the the city, whether for taxes, assessments, arrears of taxes or otherwise; the city council shall provide him with an office, which he shall attend at such times as shall be designated by the council by ordinance; he shall enter in suitable books to be provided for that purpose by the council any sums received by him for any purpose, and he shall specify in such entry the names of the persons by whom or on whose account the payments are made, the dates of payment and the purpose for which payment is made, and if any part of any payment is for interest or penalties the amount thereof shall be separately stated; he shall at least

once each week, and oftener if so directed by the council, pay over all moneys collected by him for the city to the city treasurer and shall take his receipt therefor; he shall furnish the council at least once in each month, and oftener if required, a statement of all moneys received and collected by him since his last preceding report was made, and he shall perform all such other duties appertaining to the said office as the council shall by ordinance prescribe; he shall make a full report annually on the first day of April to the council of all moneys received and disbursed by him, and he shall, whenever required, lay before the council for examination and audit all books, papers and vouchers appertaining to his office.

29. The city treasurer shall hold office for two years; he shall receive, safely keep and disburse, under the direction of the council, all moneys belonging to or under the control of the city; he shall keep an accurate account of all receipts and payments in such manner as the council shall direct; no money shall be paid out of the treasury except on warrant signed by the mayor and attested by the city clerk, excepting payments of state and county taxes, which the said treasurer is hereby required to make annually out of the first moneys received by him; and no warrant shall be drawn on the treasurer except in pursuance of an order or resolution of the council passed at a state meeting and entered in their minutes; all such warrants shall be numbered and made payable to the order of the person entitled to receive the same, and shall specify for what purpose the amount therein mentioned is directed to be paid and the appropriation against which it is to be charged; it shall be the duty of the clerk before he delivers any warrant so drawn to enter into the margin of the book to be called "warrant book," opposite to said warrant, the number, date, amount of the same, the appropriation to which it is charged, the date of the resolution or order authorizing it to be drawn, the purpose for which ordered, and the name of the person or persons to whose order it is made payable, and to take his or their receipt in said book at the end of said marginal entry for said warrant; *provided, however,* that nothing in this section contained shall apply to the disbursement and payment of moneys raised or received for public school purposes.

Treasurer;
duties, etc.

"Warrant
book."

Proviso.

Further duties
of treasurer.

30. The city treasurer shall receive, safely keep and disburse all moneys raised and received for public school purposes; he shall keep separate accounts thereof and pay the same out only on warrant signed by the chairman and clerk of the board of education and countersigned by the mayor, and no warrant for any such purpose shall be drawn on the treasurer except in pursuance of an order or resolution passed at a stated meeting, and entered in their minutes, and the provisions of the last preceding section of this act relative to warrants on the treasurer by the city council shall apply to the warrants of the board of education; and the said treasurer shall do and perform all acts and duties enjoined upon township collectors by the school laws of the state.

Monthly and
annual reports.

31. The treasurer, at least once every month, and oftener if required, shall furnish the council with a statement of all moneys received and expended by him (including school moneys) since his last report, and he shall annually, on the first day of April, make to the council a full report of all his receipts and expenditures, and he shall, whenever required, lay before the council, for examination and audit, all books, papers and vouchers appertaining to his office.

Recorder;
duties, etc.

32. The recorder shall hold office for three years, and shall have jurisdiction and is hereby empowered, on oath, affirmation or affidavit made according to law, that any person or persons has or have been guilty of a violation of any of the ordinances of the city, to issue process either in the nature of a summons or warrant, as to him may seem most advisable, against the person or persons so violating such ordinance, which process shall, when of the nature of a warrant, be returnable forthwith, and when in the nature of a summons be returnable in not less than three nor more than five days; that such process shall state what ordinance the defendant or defendants named therein has or have violated, and in what manner the same has been violated, and then on return of such process, or at the time to which the recorder shall have adjourned the same, the said recorder shall proceed to hear testimony and to determine and give judgment in the matter without the filing of any pleadings, and the recorder shall, if judgment be rendered for the plaintiffs, forthwith issue execution against the goods and chattels and against the body of the defendant or defendants; and the said recorder shall be further empowered to inflict

finer not exceeding the sum of twenty dollars on such persons as shall be convicted before him of vagrancy, disorderly conduct, breach of the peace, or, in his discretion, to order such persons to be committed to the county jail or work-house for any period not exceeding thirty days; the recorder shall also have power to cause any person or persons who shall be found guilty of a violation of the ordinances of the city, and who may refuse or neglect to pay any penalty imposed, to be committed to the county jail for any period not exceeding thirty days; and the recorder shall be present at the station-house or other place provided for him by the city council, at such hours every day as the council shall designate; and the recorder shall have the same powers in criminal matters within the territorial limits of the city as are possessed and exercised by justices of the peace of this state.

33. The mayor and any member of the council during his term of office, and any policeman of said city, shall have the power, on witnessing any breach of the peace or any violation of a city ordinance, to forthwith arrest and take into custody, without warrant, the offender or offenders, and to take said offender or offenders before the recorder of the city for a hearing.

Power to arrest.

34. Every conviction for violating a city ordinance had before the recorder, either with or without a jury trial, may be reviewed by appeal to the court of common pleas of the county in the same manner and upon the same terms as appeals are or may be taken from courts for the trial of small causes, and in case the judgment appealed from shall be imprisonment, the said recorder or any judge of the court of common pleas may admit to bail the party appealing during the pendency of his appeal; but no judgment for the violation of any ordinance shall be reversed for any imperfection, omission, defect in or lack of form, nor for any error except such as shall or may have prejudiced the defendant in maintaining his defense upon the merits.

Right of appeal from recorder's decision.

35. The officers empowered to serve process issued by the recorder shall be, besides the constables elected or appointed within the city, the policemen of the city, and that said process shall be returned in the same manner, as far as circumstances may permit, as warrants in courts for the trial of small causes are returned, and the defendant or defendants named therein shall, if the recorder sees fit to adjourn the

Processes; how served, returned, etc.

hearing of the charge made and so orders, enter into recognizance, as near as may be, in the manner directed in the courts for the trial of small causes, in the amount of the penalty named in the process or in proceedings brought for the recovery of the same, with such surety as may be approved by the recorder, unto the city, by its corporate name, for his or their appearance on the day to which said hearing may be adjourned, and in default or such appearance the said recognizance may be prosecuted and collected in the same manner as the same might have been if the said recognizance had been taken in a proceeding in courts for the trial of small causes.

Overseer of
poor; health
inspector.

36. The overseer of the poor and health inspector shall each hold office for the term of two years, and shall perform all the duties required of such officers by law in the several townships of this state and the ordinances of the city.

Counsel.

37. The city counsel shall hold his office for the term of two years, and shall perform such duties as the council shall by ordinance prescribe.

Chiefs of police
and fire depart-
ments.

38. The chief of police and the chief of the fire department shall each hold office for the term of two years, and they shall respectively be the executive head of the police and fire department, and shall be responsible for its efficiency.

Excise com-
missioners.

39. The board of excise commissioners shall be nominated by the mayor and confirmed by the common council, and they shall hold their office for three years; in making the first appointment, one shall be appointed for one year, one for two years and one for three years, and thereafter, except to fill vacancies, one shall be appointed annually for three years; they shall have full power to regulate and license the sale or transfer of spirituous, vinous, malt or other strong or intoxicating liquors; they shall have power to prescribe the terms and conditions upon which licenses for such purposes shall be granted, and to revoke or annul any license so granted upon the violation of its conditions, or for the violation of any law of this state applicable to the sale of intoxicating liquors; they shall fix the license fee to be paid on the granting of such license at not less than minimum fee fixed by law in like cases; they shall render a statement of all licensed and unlicensed inns, taverns, saloons or restaurants existing within the city, together with a record of all the proceedings of the board, annually, to the city

council; they may grant wholesale license and bottlers' license for such fee as shall be fixed by them.

40. The street commissioner shall hold office for the term of two years, and shall have supervision over all the streets, avenues, roads, sidewalks, public lanes and alleys, bridges, culverts, sewers, drains, conduits and all public highways of the municipality and the repairs thereto, and perform such duties as may be required of him by the city ordinances relating thereto.

Street commissioner.

41. The city physician shall hold his office for the term of two years, and shall be the medical adviser of the board of health and city council, and shall perform such duties as may be required of him by ordinances of the city council or the board of health.

City physician.

42. The council shall, on the first day of April in each year, cause to be printed a full statement of all receipts and expenditures of every description for the year preceding, with all such further information as may be necessary for a full understanding of the financial concerns of the city, and that it shall be the duty of the city clerk to distribute such printed statements among the people of the city or to furnish a copy of such statement to every citizen applying for the same, and said report shall be published in two newspapers, one of which shall be printed and published in said city.

Full financial statement furnished annually.

43. All contracts in which any councilman shall be interested, either directly or indirectly, or in which any councilman may be surety for the faithful performance thereof, shall be null and void, and no member of the council shall become security for any public officer elected or appointed under this act.

Councilmen must not be interested in contracts.

44. No ordinance or by-law shall be passed by the city council unless the same shall have been introduced at a previous, special or stated meeting, and shall have been advertised after introduction at least once in two newspapers, one of which shall be printed and published in the city for one week prior to final action thereon, and shall be agreed to by a majority of the members of the council; and no ordinance shall take effect until five days after it shall have been published in two newspapers, one of which shall be printed and published in the city, and if there be none, in at least one newspaper published in the county and circulating in the city.

Publication of proposed ordinances.

Purposes for which ordinances may be passed.

45. The council may, by the title "the mayor and city council of ———, in the county of ———," pass, adopt, alter, modify and repeal ordinances to take effect within the city for the following purposes: To manage, regulate, protect and control the finances and property of the city, and for the establishment, regulation and control of a sinking fund; to make and adopt an assessment map or maps whereby to describe lands assessed for taxes or improvements; to ascertain and establish the boundaries of all streets, highways, public lanes and alleys in the city; to regulate, clean and keep in repair the streets, highways, lanes and alleys, and to prevent and remove all encroachments, obstructions and incumbrances in and upon all streets, highways, lanes and alleys, sewers, drains and water courses; to prescribe the manner in which corporations or individuals shall exercise any privilege granted to them in the use of any street, highway or alley or in digging up any street, highway or alley for any purpose whatsoever; to direct and regulate the planting, rearing, trimming and preserving of ornamental shade-trees in the streets, parks and public places, and to authorize or prohibit the removal or destruction of such shade-trees; to name and number the streets, houses and lots in the city; to provide for and enforce the removal of snow and ice from the sidewalks and gutters of streets by the owners of land fronting thereon, and to provide that in case of neglect or refusal of or by the owner of any lot of land fronting on a public street or highway to remove snow or ice from the sidewalks and gutters in front of his lands, that the council may cause the same to be done at the expense of such owner, and that the cost and expense thereof, with interest thereon, shall be added to and shall form part of the taxes next to be levied and assessed upon such lands, and shall be and remain a lien upon such lands until paid; to regulate the use of streets, highways and public places by individuals, vehicles of every kind; to prevent and punish horse-racing and immoderate driving or riding in any street; to regulate and control the passage through the streets and public places of buildings and other large structures; to prevent animals of all kinds from running at large in the streets or public places, and for the impounding, sale or destruction of the same, and to regulate and prevent the driving of cattle or other animals in droves in or through any of the streets of the city; to prevent and prohibit any practice having a tendency to frighten animals

or persons passing in the streets; to regulate or prohibit all public performances and exhibitions for money; to prevent and suppress vice and immorality; to restrain or punish tramps, vagrants, mendicants and street beggars; to preserve the public peace; to prevent and quell riots, disturbances and disorderly assemblages; to restrain and suppress disorderly and gaming-houses and houses of ill-fame; to establish and regulate one or more public pounds, and to provide for the sale of animals impounded, and to fix the fees to be paid persons impounding animals, and the redemption fees to be paid; to regulate and prevent and to provide for the destruction of dogs running at large; to regulate or prohibit swimming or bathing in the waters of or bounding the city; to remove or destroy buildings that are dangerous to life; to regulate or prohibit the carrying on of manufactures dangerous in causing or promoting fire; to regulate or prohibit the manufacture, sale, keeping, storage or use of fireworks, gunpower, camphene, kerosene, burning-fluid, nitro-glycerine, dynamite or other inflammable or explosive materials; to raze and demolish any building or erection when necessary to prevent the extension of a conflagration and to provide for the ascertainment and payment of just damages and compensation to owners of property destroyed in such cases; to regulate or prohibit the use of firearms and the carrying of weapons of any kind; to provide fire-engines and such buildings for the use thereof as may be necessary; to establish a board of health, define its powers and duties, and provide for the protection and maintenance of the health of the city; to regulate the burial of the dead, prohibit interments within such limits as it may prescribe; to purchase land for public burial places, direct the keeping and return of bills of mortality, and to establish such regulations for carrying the dead through the streets as the health and good order of the city may require; to license and regulate cartmen, porters, hack, cab, omnibus, stage and truck owners and drivers, carriages and vehicles used for the transportation of passengers and merchandise, goods or articles of any kind, and to require the owners to mark vehicles in such manner as the council shall designate; and to license and regulate auctioneers, common criers, pawn-brokers, junk-shop keepers, sweeps and scavengers, and to prohibit unlicensed persons from acting in such capacities; to license and regulate peddlers, hawkers and hucksters, and

to require the payment of a license fee of not exceeding ten dollars in all cases, except as herein otherwise provided; and no license granted for any of the aforesaid purposes by any other authority shall be valid, except licenses granted by the governor to hawkers and peddlers; to fix the penalty where the same is not fixed or provided for by this act for the violation of any ordinance by this act authorized to be passed, which penalty shall be a fine not exceeding fifty dollars, and in case of non-payment thereof, imprisonment in the county jail not exceeding thirty days; to provide for, establish, regulate and control a fire department and to establish rules for the government thereof (whose members shall be exempt from military duty in time of peace, and from serving as jurors in courts for the trial of small causes), and to provide engines and other fire apparatus, and to designate the manner of appointing and removing officers and members of the fire department and to regulate their compensation; to provide for the government of the fire department and the care and repair of the engines and other fire apparatus, and for the purchasing of necessary supplies by the city council or a committee thereof.

Certain propositions may be submitted to voters.

46. The city council may by ordinance submit to the voters of the city, at an annual or special election, a proposal or proposals to purchase land and to erect thereon a city hall, jail, hospital, public lighting, or other municipal building or buildings; or to purchase land for public park purposes; or for the purchase of any sewer, water or gas, or other lighting system existing, or that may hereafter exist within the city limits; and if at such election a majority of the voters shall vote in favor thereof, the city council shall be empowered to make such purchase, and if need be issue bonds of the city in payment thereof, as may be provided by ordinance.

Regulate use of streets by railways.

47. The council shall have power by ordinance to regulate the use of the streets of the city by electric or other street railway companies; to compel the sprinkling of their tracks at proper seasons; to require such companies to lay and confine their tracks according to such grades of the street as may from time to time be established by the council; to keep that portion of the street lying between the rails paved and in good repair, also to keep the street to the extent of eighteen inches beyond the rails in good repair and on a level with the rails; to keep their tracks free from snow and ice and compel the removal of the same from the streets; and

to provide a penalty not exceeding fifty dollars for every violation of such ordinance.

48. In case the boundary line between any city formed under this act and any other municipality shall be one of the extreme lines of a street or road, such street or road being wholly within such city, it shall be lawful for the council of such city to pass ordinances regulating the use of such street or road by the owners or occupants of property in such other municipality adjoining such street or road, and to provide penalties for the violation of such ordinance not exceeding ten dollars fine; and it shall be lawful for any constable or policeman of such city to execute any process issued by the recorder for the violation of any such ordinance within the territorial limits of such other adjoining municipality.

Regulate use of streets forming boundary by tenants of another municipality.

49. The council shall have power by ordinance to provide for, establish, regulate and control a day and night police, and to regulate and define the manner of their appointment and removal, their duties and compensation; *provided*, that such police force (excluding officers) shall not exceed more than one policeman to every five hundred inhabitants; *and provided further*, that no policeman or police officer shall be removed except for neglect of duty, misbehavior, incompetency or inability to serve.

Police.

Proviso.

Proviso.

50. The council shall have full power to enact and pass such and so many other ordinances or by-laws for the peace, good government, order, welfare and convenience of the city as they may deem necessary, proper and expedient, not repugnant to this act or to the constitution of this state or of the United States, and to fix a penalty for the violation thereof not exceeding a fine of fifty dollars or imprisonment in the city or county jail not exceeding ten days.

Police regulations.

51. The council shall have power to pass ordinances appropriating and providing for raising by taxation moneys for the following purposes:

Money appropriated for sundry purposes.

- I. For lighting the streets of the city;
- II. For the support of the police department;
- III. For the maintenance of the fire department;
- IV. For regulating, cleaning and keeping in repair streets, highways and sidewalks;
- V. For additions or repairs to public buildings;
- VI. For the relief of the poor and sick;

VII. For water for the extinguishment of fires, sprinkling of streets, use of public buildings and other public purposes;

VIII. For the payment of interest upon the debt of the city and such part of the principal as shall from time to time become due and payable;

IX. For any sinking fund required or deemed advisable to be raised;

X. For the general and incidental expenses of the city, including the printing and publication of minutes of council, ordinances and such other matters required by law to be published;

XI. For the support of public schools;

XII. For the protection and maintenance of the health of the city;

XIII. For the establishment or support of hospitals;

XIV. For drainage and the repair of public drainage systems; also for sewerage purposes and public sewerage systems;

XV. To provide funds to meet any note, bond or other obligation of the city maturing in any year and not otherwise provided for by law or the ordinances of the city;

XVI. For regulating, maintaining and protecting public grounds and parks; and no appropriation shall be made or ordered for any other purpose, except by a majority of the voters of the city voting at an annual city election.

Contract for
public lighting.

52. The council shall have power to provide by contract for the lighting of the streets, avenues and public places of the city, in such places as they in their judgment may deem necessary, provided such contract shall not exceed five years.

Water supply.

53. The council shall have power to provide for a supply of pure and wholesome water to the inhabitants; and for extinguishing fires, by contract, either with private corporations or with adjoining municipalities owning or controlling water-works; and the council shall have power to fix and determine the terms and conditions upon which private companies may lay their mains or pipes in the streets of the city.

Borrow money
temporarily.

54. The council shall have power to borrow money temporarily in the name of the city in anticipation of appropriated revenues not exceeding in amount four-fifths of such anticipated revenues.

55. The council shall have power at any time to direct a special election to fill any vacancy that may occur in their own body. Special election.

56. The city council shall appoint three discreet persons, residents and freeholders of the city, to be commissioners of assessment, and who shall hold their offices for three years; the said commissioners shall make all assessments for improvements of every kind under this act; *provided*, that if any of the said commissioners shall be interested in the matter of any such assessments, the council shall appoint some discreet and impartial freeholder or freeholders, resident in said city, to act in regard to such assessment in lieu of the commissioner or commissioners interested therein as aforesaid; and every report of assessments made by commissioners of assessment shall be accompanied by the oath or affirmation of each commissioner making the same that he is not interested, directly or indirectly, in the matter of the assessment, and that he has performed his duties in relation thereto honestly, faithfully and impartially, to the best of his ability, skill and understanding, which oath or affirmation the clerk of said city is hereby authorized to administer; and the first commissioners appointed under this act shall determine among themselves, by lot, which of them shall serve for one, two and three years respectively, and thereafter annually one commissioner shall be appointed to serve for the full term of three years. Commissioners of assessment.
Proviso.

57. The council shall have power and they are hereby authorized by ordinance— Power of council regarding streets and sewers.

To lay out, open, straighten, widen and extend any street, avenue or highway, or any part or section thereof, and to take and appropriate for such purpose any necessary lands and real estate upon making compensation to the owners thereof as hereinafter provided;

To provide for grading and altering the grade of streets and avenues in the city, and filling, macadamizing, gathering, guttering, curbing, bridging, planking, graveling, paving and repairing the same;

To make and adopt a general plan of sewerage and drainage for the city or any section thereof, conformably to which all public and private sewers, drains, receiving basins and all other appurtenances of sewerage and drainage shall be made;

To provide for the construction, maintenance and extension of a proper sewerage system for the city, by contract, either with private corporations or with adjoining municipalities owning and operating a sewerage system; and the council shall have power to fix and determine the terms and conditions upon which private sewerage companies may lay their mains and pipes in the streets of the city.

Special tax for
sewerage
purposes.

58. In any city incorporated under this act having a sewerage system which is owned and operated by the city in its corporate capacity, the city council shall have power by ordinance to levy annually a special tax for sewerage purposes, and to appropriate the money derived therefrom for the construction, extension and repair of the public sewerage system; to provide for taking land and real estate for building the same and for acquiring an outlet for sewers over and through lands in adjoining municipalities; *provided*, that the consent of such adjoining municipality and of such other municipality (if any) as may in any manner be affected by such outlet shall be to that end first obtained; *provided, however*, that no ordinance for any of such purposes shall be passed except in the manner herein stated and unless it shall receive the votes of two-thirds of the members of the city council.

Proviso.

Proviso.

Manner of laying
out, opening,
etc., streets.

59. Streets or sections of streets shall be laid out, opened, straightened, extended, widened or otherwise changed as to their boundaries, in the following manner and not otherwise: a petition, in writing, signed by the owners of one-sixth of the property fronting on the improvement desired, shall be presented to the council, setting forth accurately the improvement desired; if the council shall favor the petition the same shall be referred to the commissioners of assessment and a surveyor not interested in such improvement, who shall thereupon make a map of such improvement, showing the real estate to be taken therefor, and all the property which, in the judgment of said commissioners, will be specially benefited thereby, designating each lot and parcel on said map by a letter or number; said commissioners shall also ascertain, so far as practicable, the name of the owners of said real estate to be taken and property to be benefited, and the interest of each of the owners of real estate to be taken, and when such names or estates are not known they shall so report; they shall also appraise the value of the interest of each known owner of real estate to

be taken, and the damage to be done to such owner by taking the same; and where the estates in any plot of land are unknown, they shall appraise the value of or the damage done to the fee-simple; said commissioners shall also estimate all other expenses likely, in their judgment, to attend the completion of the improvement; said commissioners shall also estimate the amount likely to be realized from the sale of any buildings, or parts of buildings, required to be taken on account of said improvement, and shall so determine the probable net cost of making the improvement; this probable net cost they shall then assess upon the lands to be specially benefited, in proportion to the benefit to be received; thereupon they shall, under their hands, make a report of the facts ascertained and of the appraisements, estimates, determinations and assessments made by them concerning said improvement, and shall file such report and their map with the clerk of the city; thereupon the said clerk shall cause a notice of the filing of said map and report to be printed in two newspapers, one of which shall be printed and published in the city, or, if there be none, in a newspaper published in the county and circulating in the city, for the period of two weeks, which notice shall contain a general description of the improvement intended, of the land to be taken, and of the land to be assessed therefor, and shall state the time and place when and where the council will meet to hear and consider any objections to said report or to the improvement, which may be presented in writing; said clerk shall also, within said period, cause notices to the same effect to be posted at points not over three hundred feet apart along the whole line of said improvement; the time appointed for hearing such objections being not less than ten days after the expiration of said period of two weeks, and shall also, within the said period, serve a copy of such notice upon resident owners of real estate affected thereby; but the omission of the clerk to serve such notice shall not invalidate any of said proceedings; and all objections at such time and place, presented in writing, the council shall consider and adjudicate upon, and the awards or assessments made in said report may be corrected accordingly; a copy of which corrections, signed by the chairman of the council, shall be filed with the said clerk within twenty days after the expiration of said period of two weeks; if the said council shall then determine to make said improvement,

Damages.

Benefits.

Report.

Hearing.

Proviso.

notwithstanding any objections to the same, the said council shall confirm said awards, with the corrections, if any, and pass an ordinance ordering said improvement to be made and completed in such manner as said council may direct, under the supervision of the street commissioner; the said council shall also pass a resolution directing the several sums awarded to be paid to the persons to whom the awards are made for real estate taken and damages sustained in making said improvement, and upon the passage of such resolution the fee simple of said real estate to be taken shall be vested in the city; *provided*, that where the commissioners shall have reported the name or estates of the owners of any plot as unknown, the said resolution shall direct the sum of the award on account of such plot to be paid to the owners thereof, when and as their interest may appear, and any such owner or person interested in said land may, by bill in chancery, according to the practice of that court, have the said sum distributed or in whole or in part paid over to him, as law and justice may require; after the completion of said improvement the said commissioners shall ascertain and determine the actual net cost thereof, and shall assess, as hereinafter provided, such actual net cost upon the lands specially benefited in proportion to the benefit received.

Settlement of
damages and
benefits.

60. Whenever, by the report and map of the said commissioners, corrected as aforesaid, it shall appear that an award has been made to any person for property taken or damages sustained, and that such person is also assessed for benefits received on account of the same improvement, then if the assessment equal or exceed the award, no payment shall be made on account of such award; and if the award exceed the assessment, only so much of the award as is in excess shall be paid, and the resolution of the council ordering the awards to be paid shall be framed accordingly; and when the amount to be assessed shall be finally determined, such amount shall be set off against the amount of the award unpaid; and if the amount of the award unpaid be in excess, the assessment shall be canceled, and such excess only shall be paid to the person to whom the award is made; and if the amount of the assessment be in excess, the award unpaid shall be canceled, and such excess only shall be a lien upon the property assessed; the rest of the

award or assessment, as the case may be, being also canceled.

61. Whenever any person who shall have presented objections as aforesaid to an award, shall be dissatisfied with the determination of the council, thereupon such person may commence an action on contract against the said city in the circuit court of the county or in the supreme court of this state (provided that the trial shall be had in the county in which such city is located), which action shall proceed in all things as if such city had, upon taking the real estate required for the said improvement, agreed in writing to pay therefor the value thereof and the damage done by taking the same; and if in said action the plaintiff shall recover more than the amount awarded as aforesaid, he shall recover his taxable costs according to law; and if he shall not recover more than the amount awarded, then the defendant shall recover his taxable costs against the plaintiff and shall be entitled to have them deducted from the amount recovered by the plaintiff, and execution shall issue only for the balance, the assessment (if any) against the plaintiff being also deducted from the amount of the judgment; *provided*, no such action shall be brought by any person who may have received payment of the amount awarded, nor unless notice that such action will be brought be filed with the clerk of said council within sixty days after the confirmation of the award, nor unless such action be commenced within six months after such confirmation; *provided*, that the judge of the said circuit court may, upon petition, for good cause shown, and upon such terms as he may direct, dispense with either or all of the provisions in the last proviso contained.

Dissatisfaction with determination of council.

Action on contract against city.

Proviso.

Proviso.

62. Any street or section of a street may be graded, flagged, macadamized, paved, curbed, guttered or otherwise improved, as hereinbefore provided, in the following manner, namely, on the petition in writing to the council by the owners of one-sixth of the lands fronting on the street proposed to be improved, the council shall, by resolution, direct the city clerk to advertise such application or petition and the notice hereinafter provided for, for at least two weeks, one in each week successively, in two newspapers, one of which shall be printed and published in the city, or if there be none, in one or more newspapers published in the county and circulating in the city, and to post copies of the said

Grading, flagging, etc., streets.

Proviso.

petition and notice in five public places in the city, designated by the council, at least ten days prior to the time fixed for the hearing of objections to such improvement; the clerk shall also publish and post as aforesaid, with the petition, a notice signed by him, stating that objections in writing to said proposed improvement shall be filed with him, and designating the time and place when and where the city council will meet to consider such objections, which time shall not be less than ten days after the date of the first publication of such petition and notice as aforesaid; and the said clerk shall also serve like notice on the owners of property residing along the street or section of street so proposed to be improved at least five days before the time designated in said notice; *provided, however*, that no assessment shall be set aside or affected by reason of the failure of said clerk to serve such notice; and at or before the time named in such notice the said clerk shall file in his office affidavits showing that such petition and notice have been published and posted as herein required; at the time named in such notice the council shall proceed to consider such objections as shall have been presented, and if it appear that the owners of three-fifths of the land fronting on such proposed improvement have objected thereto, such improvement shall not be made, and in case the owners of three-fifths of the lands fronting on the proposed improvement have not objected thereto, the council may, in its discretion, determine not to make such improvement; and the defeat of any ordinance for such improvement, introduced before the council, shall be conclusive as to the determination of the council not to make such improvement; at any time after the time named in said notice of objections, the council may proceed to pass an ordinance for such improvement, and such ordinance shall be valid if it describes in general language the improvement required to be made and done, and it shall not be necessary to state therein any other matter or thing connected with said improvement; the city clerk shall publish and post such ordinance in the same manner and for the same time he is required to publish and post the petition for the improvement described therein; and he shall file in his office an affidavit showing that such ordinance has been duly published and posted; at any time after the passage of such ordinance the council may require the clerk to advertise for proposals for doing the work and furnishing the materials

necessary for such improvement, in two newspapers, one of which shall be printed and published in the city and in such other newspapers as shall be designated by the council, which proposals shall be presented in such form and manner and under such regulations as the council shall prescribe; upon the coming in of such proposals the council may enter into contract with the lowest responsible bidders on the terms of their proposals; *provided, however,* that the council may reject all bids if they deem it for the interests of the city so to do, in which case they shall again advertise for proposals and shall proceed in all things as if no proposals had been offered; and the council shall require the person or persons so entering into contract with the city to give bonds with ample freehold security for the due performance thereof.

Proviso.

63. All proceedings for the opening, widening, extending, grading, regulating and otherwise improving streets and avenues which may be pending and remain unfinished and incomplete at the time of incorporation under or adoption of this act by any city, town, borough, township or part thereof, shall be proceeded with and completed under the laws in force at the time such proceedings were commenced, and as if such city, town, borough, township or part thereof had not become incorporated under this act.

Completion of proceedings already commenced.

64. In cities having a sewerage system which is owned and operated by the city in its corporate capacity, sewers may be built and constructed in any of the streets of the city under the control of the city authorities on the petition of owners of one-sixth of the land adjoining the proposed route of the sewer; and the proceedings, after receiving such petition, shall be in all respects the same as are hereinbefore set forth for flagging and grading of streets, and all the provisions of this act relating to flagging and grading of streets shall be applicable to proceedings for the construction of sewers, except as modified in and by this section.

Building sewers; proceedings.

65. The council may appoint one or more inspectors over the work and materials on any street or sewer or sidewalk improvement, and may fix the compensation; the amount of such compensation shall be included in and form part of the cost of the improvement.

Inspectors of street or sidewalk improvements.

66. Before the council accept any work on any sewer or street improvement, or any final payment be made to the contractor, the council shall publish as aforesaid a notice stating when the council shall meet to receive and consider

Action before acceptance of contract work.

objections in writing, the work and materials done and used in such improvement, and if any such objections shall appear to be well founded, the council shall take such action thereon as in their judgment the interests of the city shall require.

Private property
taken for sewers.

67. Where it shall be necessary in the construction of any public sewer to take or use private property for that purpose the council shall have power to provide, in the ordinance for the building or constructing of any such sewer, for the taking of such private property as is necessary; for that purpose the damages and awards to be made for lands so taken shall be determined and made by the commissioners of assessment, who shall report the same to the council, and thereafter the proceedings shall be the same in all respects as are hereinbefore provided for opening of streets.

When necessary
to have sewer
outlet through
adjoining
municipality.

68. Where any city shall be so situated that it shall have no immediate outlet for sewerage, except through adjoining municipalities or by connection with sewers existing or contemplated to be built in adjoining municipalities, it shall be lawful for the city council of the city and the governing body of such adjoining municipality to enter into contract for the payment of the sum in gross by such city for the right to connect with any sewer or sewers in such adjoining municipality, and the amount of such contract price shall be included in the costs of making the sewer in and through such city which it is proposed so to connect with the sewer in the adjoining municipality, and shall be assessed in the manner hereinafter directed as if such contract price were portion of the cost of wholly constructing the sewer within the territorial limits of the city.

Improvement
certificates.

69. The council shall have power to issue improvement certificates, payable within two years or less, with interest, to the amount of eighty per centum of the work done on any street, sewer or other improvement, when certified as correct by the engineer in charge of the work; and when the contract is fully completed and the work is accepted, the city council may issue a certificate for an additional fifteen per centum of said work done, and in not less than three nor more than six months after the date of the acceptance of the work may issue a final certificate for the balance due, unless some errors or defects in the work shall have appeared, in which case the certificate shall be withheld until the defects or errors are rectified to the satisfaction of the council.

70. The cost and expense of widening, opening or extending, grading, curbing, flagging or macadamizing any street, or constructing or extending any sewer, and after the completion thereof the whole cost of any such street or sewer or other improvement shall be ascertained and determined by the commissioners of assessment, and such cost and expense shall be assessed, unless otherwise determined by the city council, upon the lands and real estate especially benefited by the improvement in proportion to the benefit received; the commissioners shall file their report with the city clerk, which shall be accompanied by a map showing what lots and parcels of land are benefited by the improvement, the amount assessed as benefits upon each lot or parcel of land, and the names of the owners of the several lots and parcels of land assessed, so far as the commissioners can ascertain the same; but no assessment shall be deemed defective by reason of any mistake in the names of the owners of lands assessed, or omitting the said names or any of them; the clerk shall publish and post notices in the same way and manner hereinbefore prescribed for publishing and posting the petition for the improvement and its accompanying notice, stating that the map and report of the commissioners have been filed in his office, and that the council will consider any objections to such report, map and assessment presented in writing on or before a day named in such notice to be fixed by the city council, which day shall be at least ten days after the first publication of such notices; after considering such report, map and assessment, and such objections as may have been presented against the same, the said council may confirm the said report, map and assessment, or if deemed necessary may return the same to the commissioners for revision and correction, who shall return the same corrected and revised without unnecessary delay; and thereafter the council may, without further notice, confirm the said report, assessment and map.

Cost and expense of streets and sewers assessed upon property benefited.

71. No certiorari, injunction or other writ of process shall be allowed or granted to set aside any ordinance for any improvement after the contract therefor shall have been awarded by the council of the city, and no certiorari, injunction or other writ or process shall be allowed or granted to set aside any assessment made for any sewer or street improvement of any kind after thirty days shall have elapsed from the date

When certiorari may be allowed.

of the confirmation of such assessment by the council of such city.

Power to issue
bonds for cer-
tain purposes.

72. The council shall have power by ordinance passed by a two-thirds vote of all the members of the council to issue any bond or bonds for any of the following purposes :

First. For the purpose of renewing not more than ninety per centum of any matured or maturing bond or bonds of the city, or of the municipality of which the city is the successor.

Second. For the purpose of opening, widening or extending any public street, avenue or alley, or for the laying of any sewer or drain, or the macadamizing, paving, curbing or flagging of any street or sidewalk.

Third. For the purpose of funding the tax arrearages of any year or years for which taxes, which are a lien upon real estate, shall remain unpaid, not to exceed ninety per centum of such unpaid taxes, and in case of such arrearage of taxes being thus funded, the taxes so in arrears shall be pledged to the redemption of the bonds issued against the same ; the length of time which any of the bonds hereby authorized to be issued shall run shall be fixed by ordinance, but tax-arrearage bonds, however, shall not exceed ten years from their date ; in case of bonds issued against macadam assessments or other street paving or like improvements, if assessments for benefits shall be made, the amount of any such assessment in excess of damages to be paid, if any, shall be covered into the sinking fund when received by the city, and be held to meet the bonds issued for such improvement at their maturity to the extent of such benefits so received.

Character
of bonds.

73. Whenever the Mayor and city council of any city incorporated under this act determine to issue any bonds of the city, said bond or bonds shall bear the name of the improvement or purpose for which issued ; said bond or bonds may be either registered or coupon, or both, as may be determined by the city council ; they shall be signed by the mayor and city clerk, with the corporate seal affixed ; they shall be made payable in not more than forty years from the date thereof, respectively, and shall be of such denominations and bear such interest, at not more than five per centum per annum, as may be determined by the city council ; the interest shall be payable semi-annually, and the bonds may be disposed of at public or private sale under such terms and conditions as the council may direct,

at not less than par ; and all moneys derived from the sale of the same shall be used solely for the purposes for which the same were issued ; further, that the interest on said bond or bonds shall be raised each year by taxation, together with not more than three per centum of the principal, as may be determined by the city council ; said portion of the principal to constitute a sinking fund for the payment of the principal ; any premium realized upon the sale of any issue of bonds shall also be covered into the sinking fund.

Sinking fund.

74. The city council shall prescribe by resolution or ordinance the manner of payment of all interest that may fall due on any city indebtedness, whether the same be interest on bonds, registered or coupon, or upon any other class or character of indebtedness.

Manner of payment of interest.

75. All moneys received for licenses, and all other moneys received and not specifically appropriated, shall be paid into the incidental fund.

Incidental fund.

76. All taxes and assessments in such city shall bear interest at the rate of seven per centum per annum from the time the same became due and payable.

Interest rate on taxes, etc.

77. All taxes and all assessments heretofore or hereafter levied, assessed or made upon any lands, tenements or real estate, situate in such city, shall be and remain a first lien thereon until paid, notwithstanding any devise, descent, alienation, mortgage or other incumbrance thereof ; and if the full amount of any such tax or assessment shall not be paid and satisfied within such time as shall be limited and appointed by the council for the payment thereof, it shall and may be lawful for the council to cause such lands, tenements or real estate to be sold at public auction for the shortest term for which any person will agree to take the same and pay such tax or assessment, or the balance due thereof remaining unpaid, with the interest thereon, and all costs, charges and expenses, and to execute under the common seal of said city a declaration of such sale, to be signed by the chairman of the council and the city clerk, and to deliver the same to the purchaser, and such purchaser, his executors, administrators or assigns, shall by virtue thereof, lawfully hold and enjoy the said lands, tenements or real estate for his and their own proper use against the owner or owners thereof, and all persons claiming under him or them, until said term shall be completed and ended ; *provided*, the said council shall first have caused said sale to be advertised for at least one

All taxes and assessments a first lien.

Proviso.

Proviso.

Proviso.

Proviso.

month in two newspapers, one of which shall be printed and published in the city, or, if none, then at least in one newspaper published in the county and circulating in such city, and also by advertisements put up in at least five public places in such city, which advertisements shall describe the said lands, tenements or real estate, and specify the amount of assessment or tax; and the recitals in such declaration of sale shall be evidence of the assessment, advertising and sale; *and provided, also*, that the purchaser shall not be entitled to possession of lands so purchased until the period herein limited for redemption shall have expired; *and provided, also*, that the lands, tenements or real estate so sold may be redeemed by the owner, mortgagee, occupant or person interested therein, or by any other persons, or in behalf of the owner, mortgagee or claimant of such lands, tenements or real estate, at any time within two years after the sale for either taxes or assessments, or for both, by paying to the receiver of taxes of the city, for the use of said purchaser, the purchase-money, together with any other sum paid for tax or assessment, which the said purchaser may have paid, chargeable on such lands, tenements or real estate and which he is hereby authorized to do, with interest thereon at the rate of twelve per centum per annum, in addition thereto; and the certificate of the receiver of taxes of the city, stating the payments, and showing what lands, tenements or real estate such payment is intended to redeem, shall be evidence of such redemption; any mortgagee shall have power to redeem at any time until the expiration of the six months' notice therein specified; no mortgagee whose mortgage shall have been duly recorded before sale for any tax or assessment shall be affected by such sale until six months' notice, in writing, shall have been given to him, either personally, or if not to be found in said city, then such notice shall be deposited in the post-office in said city, directed to him at his last known place of residence (or at the post-office nearest thereto), but nothing therein contained shall be so constructed as to impair the lien created by such tax, assessment or sale; *and provided*, the same term of time for which any lands, tenements or real estate so sold as aforesaid shall not commence, nor shall said purchaser or those claiming under him have a right of possession to said lands, tenements or real estate until the two years limited for the redemption of the same shall have expired, and the said pur-

chaser or those claiming under him shall, at the expiration of the time limited in such declaration of the sale, quit and surrender the said lands, tenements or real estate in as good state and condition as when he entered thereon, natural wear and accidents excepted; *provided, also*, that the said sale may be adjourned or postponed from time to time, or suspended, as the council or their committee, appointed to attend to said sale, may direct; *and provided*, that if at any sale of lands, tenements or real estate, for assessment or taxes, the whole or any part thereof shall remain unsold for want of purchasers, then it shall be lawful for the said council or said committee to adjourn sale not less than thirty days nor more than sixty days; twenty days' notice at least, by publication for two weeks and posting, shall be given as aforesaid of the said adjourned sale; and if, at such adjourned sale, there shall be no purchasers for said lands, tenements or real estate, or for any part thereof, then it shall be lawful for the treasurer of the said city to purchase the said lands, tenements or real estate for any term not exceeding one hundred years for the benefit of the city, subject to the same redemption as hereinbefore provided for; *provided, also*, that all moneys paid for the redemption of said lands, tenements or real estate as aforesaid, together with all taxes and assessments paid by any mortgagee or judgment creditor, shall be a lien upon said lands, tenements or real estate for the amount so paid, with interest at the rate of seven per centum per annum, and such lien shall have precedence over all other liens on said lands, tenements or real estate; *provided, further*, that a complete record of all taxes and assessments shall be kept in the office of the receiver of taxes, which record shall contain the time when such assessment and taxes were laid, the time when they were paid (and if the property has been sold therefor), the time of said sale and to whom sold, and if redeemed, when and by whom; it shall be the duty of the receiver of taxes to enter in a book to be called "record of sales" a minute of all declarations of all sales and to give certificates of search in relation to liens to any person or persons applying for the same, and to cancel such declarations when the property for which they were given shall be redeemed; it shall be the duty of the receiver of taxes to make out two certificates of all property redeemed, one for the person redeeming and one to be filed in the city clerk's office; it shall be lawful

Proviso.

Proviso.

Proviso.

Proviso.

"Record of sales" book.

Duty of receiver of taxes.

for the council of said city to sell, assign and transfer any declaration of sale or any term in lands purchased for the benefit of said city as aforesaid, or any portion of a term, for such price as said council may think proper.

Dog tax.

78. The board of assessors shall levy an annual tax upon every person who owns or has the care of any dog, male or female, as follows: one dollar for each male dog, and three dollars for every female dog, in lieu of the state law, which tax shall be appropriated to the support of the school.

Board of assessors.

79. The board of assessors shall have power and authority to assess all property within the said city for taxation, and they shall complete their assessment and present their books to the council for examination by the second Monday in July in each year, and the council shall complete their examination of the same by the first Monday in August of each year, and immediately after the meeting of the county board of assessors their books shall be returned to the receiver of taxes, who shall give such notice to taxpayers as to time of payment, as may be directed by the city council by ordinance or resolution; all taxes shall be due and payable on the twentieth day of October in each year, and shall be and become a lien on all real estate assessed therefor on and after that date; the city council shall have power to authorize a rebate not exceeding one per centum for prompt payment of taxes on any date prior to October twentieth fixed by them.

Taxes, when due.

Rebate.

Succession of property; obligations, etc., of school districts.

80. All the property, real and personal, of the several school districts existing within the limits of any city, town, borough, township or part thereof before its incorporation under the provisions of this act, shall, upon such incorporation, become and be the property of such incorporated city, and shall be held in its corporate name, and the several obligations, contracts and debts of said previously-existing school district shall be assumed by and shall become and be the obligations, contracts and debts of said incorporated city, and that the board of education shall possess and exercise all the powers and perform all the duties by law vested in or imposed upon the trustees of school districts; they shall also organize annually by choosing a chairman and a clerk, and may establish schools and provide for their government, and shall keep all school property in good repair; they shall define and fix the duties and compensation of their clerk, who shall also perform all duties enjoined

Board of education.

by law on district clerks; in case any appropriation for the purchase of land and the erection of a school building shall be authorized, the council shall issue bonds in the corporate name of the city for the amount thereof in such denominations as they shall deem proper; such bonds shall be designated "school bonds," and be issued as herein provided; the proceeds of the sale of said bonds shall be held by the city treasurer, and shall be paid out by him on the warrants of the board of education; at any time after an appropriation is authorized as aforesaid, the board of education may purchase the necessary land and enter into contract for the erection of a school building thereon, the title to which property shall be vested in the city by its corporate name.

School bonds;
proceeds, how
paid.

81. It shall be lawful for the city council to provide by ordinance that where any street in such city shall be improved by being guttered, curbed, macadamized or paved, in pursuance of the authority conferred by this act, for the board of assessment to ascertain as in this act provided the entire cost of making the improvement, and for them to apportion such entire cost upon the lands and among the owners along the lines of the street or section improved, according to the number of lineal feet upon the lines of such street or section in the tracts or lot of the several owners respectively, having concern as to the actual benefit which such improvement will confer upon the several owners assessed, and providing for notice to be given to the owners of such assessment, and of a time and place for hearing objections thereto, at which time the whole sum apportioned to any owner may be paid into the hands of the receiver of taxes; after said meeting it shall be lawful to provide in said ordinance to issue bonds of the said city made and executed as shall be provided in said ordinance, to an amount sufficient to pay the balance of the cost of such improvement; said bonds shall be payable in not exceeding ten years from their date, so that one-tenth of the cost of any such improvement shall be payable and paid in each year, shall bear interest at not exceeding five per centum per annum, payable semi-annually, and shall not be sold for less than par; after such meeting it shall be the duty of such of the board of assessment to apportion the entire amount of the bonds so issued among the owners and upon the lands along the lines of the street or section improved, upon the same basis as the

Street improve-
ments, cost,
assessments, etc.

Issue bonds;
amount, time,
etc.

original apportionment of cost, excepting the land of the owner or owners who shall have paid as aforesaid; said apportionment shall be delivered to the city clerk or other officer provided in such ordinance, and shall be by him recorded and shall be competent evidence of such apportionment; it shall be the duty of such officer, and shall be stated in said ordinance, in each year, in the month of May, to ascertain the amount of interest which will fall due on said bonds on or before the time fixed by law for the payment of taxes in the next succeeding year; and to certify the same together with one tenth of the entire principal of the bonds issued to the assessors of the city, whose duty it shall be to assess the same upon the basis of the apportionment of bonds, and upon the property embraced in said apportionment, in the name of the then owner thereof; the said assessment shall have the same force and effect, and be collected at the same time and in the same manner as the other taxes collectible by law within said city for county and city purposes; but until the actual levy of such assessment, neither the liability to assessment, in this section created, or created under and by virtue of any other provision of this act, nor the apportionment nor record thereof, shall be held or construed to create a subsisting incumbrance upon the title to the lands embraced in said apportionment; and all moneys collected under an ordinance adopted as herein provided, or under the authority conferred by this section, are hereby pledged to the payment of the principal and interest of the said bond, and shall be used for no other purpose.

Pledge for payment of principal and interest.

Approved March 24, 1899.

CHAPTER 136.

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

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

1. Section sixty eight of an act entitled "An act for the relief of creditors against absconding and absent debtors" (Revision), approved March twenty-seventh, one thousand eight hundred and seventy-four, be and the same is hereby repealed. Repealer.

2. This act shall take effect immediately.
Approved March 24, 1899.

CHAPTER 137.

Supplement to an act constituting courts for the trial of small causes (Revision), approved March twenty-seventh, one thousand eight hundred and seventy-four.

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

1. Section ninety of the act to which this is a supplement be and the same is hereby repealed. Repealer.

Approved March 24, 1899.

CHAPTER 138.

An Act to amend an act entitled "An act for the preservation of clams and oysters," approved April fourteenth, one thousand eight hundred and forty-six.

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

Unlawful to take
or sell certain-
sized clams.

Penalty.

Default of
payment.

Division of fine.

1. From and after the passage of this act it shall be unlawful for any person or persons to take from the natural beds beneath the waters of this state, by means of boats, tongs, dredges, rakes or otherwise, or to have in their possession, or to buy or sell, or to offer to buy or sell, any clams commonly called hard mud clams, the shells of which will measure less than one inch in width or thickness across the back or hinge; or to buy or sell, or offer to buy or sell, any clams commonly called hard sand clams, the shells of which will measure less than one inch in width or thickness across the back or hinge; or to buy or sell, or offer to buy or sell, any clams commonly called soft-shell clams, the shells of which will measure less than two inches in length; and every person so offending shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine of not less than twenty five dollars nor more than one hundred dollars, at the discretion of the justice of the peace before whom the case is brought; and in default of payment of the fine, the justice shall commit him to the county jail for a period of not less than ten days nor more than thirty days; one moiety of said fine (after deducting therefrom the fees of the justice, and of the officer making the arrest, which fees shall be the same as are allowed for issuing and serving warrant and holding examination or hearing in other causes), to be paid by said justice imposing and collecting the fine to the overseer of the poor, for the use of the poor of the township in which the offense shall have been committed, and the other half or moiety to be paid to the warden, constable or person who made the complaint.

2. Upon complaint under oath made to him, any justice of the peace of the county wherein the offense was committed may and shall issue his warrant for the arrest and apprehension of any person violating the provisions of the first section of this act; and it shall be the duty of the several game and fish wardens or any constable to, and any other person may, make complaint and bring action before any justice of the peace of the county against any person or persons so violating the provisions of this act; which warrants shall be served by either such warden or any constable.

Upon complaint made to justice of the peace, warrant may issue; how served.

3. The act entitled "A supplement to an act entitled 'An act for the preservation of clams and oysters' [Revision], approved April fourteenth, one thousand eight hundred and forty-six," which supplement was approved March twenty-second, one thousand eight hundred and ninety five, is hereby repealed, and all other acts or parts of acts inconsistent herewith are in so far hereby repealed, and this act shall take effect immediately.

Repealer.

Approved March 24, 1899.

CHAPTER 139.

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

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

1. Whenever a writ of error shall be issued out of the court of errors and appeals to review a judgment founded upon the verdict of a jury, or upon the finding of a court or referee where the trial was held before a court without a jury, or before a referee to whom the cause was referred by consent of the parties, it shall be lawful for the plaintiff in error to assign for error that the verdict or finding is against the clear weight of evidence and to assign that the verdict or finding is excessive; and on such assignments the grounds so assigned shall be considered by said court as fully as like

Basis for issuing writ of error.

Considered by court.

Judgment.	grounds are considered in the supreme court on a rule to show cause granted by said court why a new trial should not be granted ; and if it shall appear that the verdict or finding is against the clear weight of evidence or is excessive, the judgment shall be reversed and such verdict or finding shall be set aside ; <i>provided</i> , that in case of an excessive verdict or finding the court may, at its discretion, permit a reduction of the amount.
Proviso.	
Repealer.	2. All acts inconsistent with the provisions of this act are hereby repealed, and this act shall take effect immediately. Approved March 24, 1899.

CHAPTER 140.

An Act to regulate cemeteries.

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

Management of cemeteries.	1. The care and management of all cemetery associations incorporated by special charter where the actual care or management of the cemetery grounds has been heretofore entrusted by such specially-chartered association to plot-owners or an association of plot-owners thereof, and of all cemetery associations incorporated under any general law, shall be confided to a board of managers or trustees, which board shall consist of not less than three nor more than twelve managers or trustees who shall be lot-holders and shall be elected at the annual meeting of the association, at which time the number of the said board of managers or trustees shall be determined ; and the president and secretary shall, immediately after such election, divide the managers or trustees, by lot, into three classes ; those of the first class to hold their office one year, those of the second class two years, and those of the third class three years, but the managers or trustees of each class may be re elected if they shall possess the requisite qualification at the time of their re election ; the said board shall have the exclusive superintendence of such association, with full power to appoint, employ and discharge any or all of the officers or agents of
Board of managers or trustees.	

said association, as they may deem expedient, and to fix the compensation of such officers or agents.

2. The annual election for managers or trustees shall be holden on the day fixed by the charter or certificate of organization, at the principal building of the said cemetery association within their cemetery grounds, or in case there is no such building, at the principal entrance of the said cemetery, at the hour of two o'clock in the afternoon, unless some other hour or place shall be designated by the managers, directors or trustees, at which election shall be chosen such number of managers or trustees as may be necessary to fill the board, and at the first election a full board of such number as may be determined shall be elected; the managers or trustees chosen at any election subsequent to the first shall hold their places for three years, and until others shall be chosen to succeed them; the election shall be by ballot, and every person of full age, who shall be a proprietor of a lot or plat in the cemetery of the association, or if there be more than one proprietor of any such lot or plat, then such one of the proprietors as the majority of the joint proprietors shall designate to represent such lot or plat, may either in person or by proxy give one vote for each lot or plat; *provided*, that no person shall vote for more than one hundred plats or lots; and the person or persons receiving the largest number of the votes given at such election shall be managers or trustees to succeed those whose term of office expires; and the managers or trustees shall have power to fill any vacancy in their number occurring during the period for which they hold their office; public notice shall be given of the annual election by the existing board of managers, directors or trustees by publication in a newspaper published in the county in which said cemetery is situate and circulating in the neighborhood of the said cemetery at least two weeks prior to the time fixed for the said election, and in the event of the failure of the said board of managers, directors or trustees to give such notice two weeks prior to the time fixed, any three proprietors of lots or plats in said cemetery may give such notice by setting the same up at the principal entrance of the cemetery ten days before the time fixed for the election, and publishing the same in a newspaper published in the county in which said cemetery is situate and circulating in the neighborhood of the cemetery one week prior to the time fixed for the said election.

Annual election.

Proviso.

Public notice of election.

In case of failure to give notice.

Qualification
of voter.

3. No proprietor of a lot or plat shall be entitled to vote unless he has been a proprietor of a lot or plat at least twenty days before the time fixed for said election.

Repealer.

4. All acts or parts of acts inconsistent with this act are hereby repealed.

5. This act shall take effect immediately.

Approved March 24, 1899.

CHAPTER 141.

An Act to amend an act entitled "A supplement to an act entitled 'An act for the settlement and relief of the poor,' approved March twenty-seventh, one thousand eight hundred and seventy-four," which supplement was approved March thirtieth, one thousand eight hundred and ninety-two.

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

Section
amended.

1. The first section of an act entitled "A supplement to an act entitled 'An act for the settlement and relief of the poor,' approved March twenty-seventh, one thousand eight hundred and seventy-four," which supplement was approved March thirtieth, one thousand eight hundred and ninety-two be and the same is hereby amended to read as follows :

Construction
of section.

1. The twenty ninth section of the act to which this is a supplement shall be so construed that the chairman of the committee on the poor-house, or the president of the board of trustees of every poor-house, by and with the consent of a majority of said committee or board, or the director of the board of chosen freeholders of any county in this state, by and with the consent of a majority of the board of chosen freeholders, may find homes for, or bind out the poor children, which in said act they are authorized and empowered to bind out, to a suitable person or persons, whether a resident in this state or some other state; *provided, always,* that if a home be found for such child or children with a resident or residents of another state, or if the said child or

Proviso.

children be bound to a resident or residents of another state, the person or persons with whom a home for such poor child shall be found or to whom such child shall be bound, shall be approved by the judge of the court of common pleas of the county in which said poor-house is situate.

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

Approved March 24, 1899.

CHAPTER 142.

A Further Supplement to an act entitled "An act to enable counties of the second class in this state to furnish suitable accommodations for the transaction of public business," approved March twenty-second, one thousand eight hundred and ninety-five.

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

1. Section four of the act to which this is a further supplement shall be amended to read as follows :

Section
amended.

4. The board of chosen freeholders of any such county is hereby authorized, empowered and directed to issue bonds, for the purposes aforesaid, in the corporate name and under the corporate seal of such county, the total amount of which shall not exceed the sum of four hundred and twenty-five thousand dollars.

Issue bonds ;
amount.

2. The county collector shall receive such compensation for services hereafter rendered under said act as the commissioners appointed under said act shall decide.

Compensation of
county collector.

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

Repealer.

Approved March 24, 1899.

CHAPTER 143.

An Act to set off territory from the borough of Madison, in the county of Morris, and annex the same to the township of Chatham, in the said county.

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

Description of
portion of bor-
ough of Madison
set off and an-
nexed to town-
ship of Chatham.

1. All that land and real estate situate, lying and being in the borough of Madison, in the county of Morris, bounded and described as follows: Beginning at the southwest corner of the borough of Madison as it was originally constituted and was on August twenty-eighth, one thousand eight hundred and ninety-four, and running thence (1) south, twenty-nine degrees west, four hundred and forty feet, more or less, to the southerly line of Loantaka way; thence (2) south, twenty-six degrees east, five hundred and forty-two feet to a turn in the road; thence (3) south, sixty-five degrees east, one hundred and forty feet, more or less, to the line of the said borough as it was on the aforesaid date; thence (4) north, thirty-nine degrees west, along the said line, seven hundred and thirty feet, to the place of beginning, containing three acres and one-fourth of an acre of land, more or less, and surrounding in its southwest angle the school building and grounds known as the Loantaka school-house, be set off from the said borough of Madison and annexed to the said township of Chatham, so that the same shall be hereafter a part of and within the territorial limits of said township of Chatham.

2. This act shall take effect immediately.

Approved March 24, 1899.

CHAPTER 144.

A Further Supplement to an act entitled "A supplement to an act entitled 'An act concerning the appointment of commissioners of assessment of taxes in certain cities,' approved April third, one thousand eight hundred and eighty-nine;" passed April fifteenth, one thousand eight hundred and ninety.

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

1. Section two of the supplement to which this is a further supplement be amended so as to read as follows :

Section
amended.

2. The said commissioners of assessment of taxes shall have the power to appoint a clerk to hold office for a term not less than one nor more than five years, to be fixed at the time of appointment, and who shall receive a salary of not more than twelve hundred dollars per annum, to be fixed and determined at the time of appointment of said officer by said commissioners, the said salary to be provided in the same manner as that of other city officers; said officer shall, before he enters upon the duties of said office, make oath before the recorder or other police justice of such city faithfully and impartially to discharge the duties of his office, and he shall perform such duties in the way of procuring information, data, statistics and such other clerical duties as may be required of him by the board of commissioners; the said board shall file in the office of the city clerk a certificate of the appointment of such clerk with the date thereof.

Clerk to com-
missioners of
assessment of
taxes; salary,
duties, etc.

2. This act shall take effect immediately.

Passed March 24, 1899.

CHAPTER 145.

A Supplement to an act entitled "An act concerning inns and taverns," approved April seventeenth, one thousand eight hundred and forty-six.

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

Residence of
freeholders
recommending
license in any
borough.

Proviso.

1. Where application is made for a license to keep an inn and tavern in any borough it shall be sufficient if the freeholders recommending said application, or any of them, shall be freeholders of the township or townships from which the said borough is formed ; *provided, always*, that at least six of the freeholders recommending said license shall be freeholders of the borough in which said inn and tavern is proposed to be kept.

2. This act shall take effect immediately.

Passed March 24, 1899.

CHAPTER 146.

An Act to provide for certain increased conveniences in the state prison.

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

Alterations in
state prison.

1. The board of inspectors of the New Jersey state prison are hereby authorized and empowered to make such necessary alterations in the woman's wing of the said prison as may in their judgment and discretion be necessary to provide suitable accommodations for the increased number of female convicts confined in the said prison, and that they be also authorized to reconstruct and refurnish the present deficient

laundry facilities at the said prison; *provided*, that the amount expended for the above-stated purposes shall not exceed fourteen thousand dollars; *and provided*, that an appropriation of the said sum shall be included in an act making appropriations for the current fiscal year.

Proviso.

Proviso.

2. The said sum of fourteen thousand dollars shall be paid by the state treasurer on the warrant of the comptroller of the treasury, upon the requisitions of the said board of inspectors, in such sums as the said board may need from time to time for the prosecution of the work herein provided for, and the bills and vouchers for said work, certified by the supervisor of the state prison, shall upon completion thereof be filed with the state comptroller.

Appropriation.

3. This act shall take effect immediately.

Approved March 24, 1899.

CHAPTER 147.

A Supplement to an act entitled "An act to regulate the sale of spirituous, vinous, malt or brewed liquors, and to repeal an act entitled 'An act to regulate the sale of intoxicating and brewed liquors,' passed March seventh, one thousand eight hundred and eighty-eight."

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

1. Any person or persons selling any spirituous, vinous, malt or brewed liquors in quantities of five gallons or over, who shall permit or suffer any of the said liquors to be drunk on or about the premises where sold, shall be deemed guilty of the offense of keeping a disorderly house; nothing in the provisions of this act shall be construed to in any wise alter, change or impair the laws now in force regulating the sale of liquor at licensed places.

Prohibiting
liquor drunk on
premises.

Laws now in
force not altered
hereby.

Approved March 24, 1899.

CHAPTER 148.

An Act for the preservation of deer and ring necked pheasant.

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

Unlawful to
hunt or have
ring-necked
pheasant.

Penalty.

Proviso.

1. It shall be unlawful for three years next ensuing after the passage of this act for any person to hunt with intent to kill or injure, or to take, kill, injure or have unlawful in possession any ring-necked pheasant, under a penalty of twenty dollars for each offense, and of twenty dollars for each ring-necked pheasant so taken, killed, injured or unlawfully had in possession; *provided, however*, that this act shall not apply to any preserves for pheasants already established.

Unlawful to hunt
or have deer.

Penalty.

Proviso.

2. It shall be unlawful for three years next ensuing after the passage of this act for any person to hunt with intent to kill or injure, or to take, kill, injure or have unlawfully in possession any wild deer, buck, doe or fawn, under a penalty of one hundred dollars for each offense, and of one hundred dollars for each deer so taken, killed, injured or had unlawfully in possession if killed in this state; *provided, however*, that this act shall not apply to any preserves for deer at present established.

Approved March 24, 1899.

CHAPTER 149.

An Act to amend an act entitled "A supplement to an act entitled 'An act for the preservation of clams and oysters' (Revision), approved April fourteenth, one thousand eight hundred and forty-six," which said supplement was approved April eleventh, one thousand eight hundred and ninety-four.

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

1. An act entitled "A supplement to an act entitled 'An act for the preservation of clams and oysters' (Revision), approved April fourteenth, one thousand eight hundred and forty-six," which said supplementary act was approved April eleventh, one thousand eight hundred and ninety-four, be and is hereby amended so as to read as follows :

Act amended.

1. From and after the passage of this act it shall be unlawful for any person or persons, company or corporation, at any time whatever, to use, cast drag or haul any dredge, patent rake, or other similar device which shall be towed, dragged or hauled by or behind any boat, vessel or craft propelled by sail or steam, or to catch therewith any clams, oysters or shells in the waters of the Delaware bay south of a line running direct from the mouth of Dennis creek to Brandywine light house; and any person offending against the provisions of this act shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine not exceeding one hundred dollars, or by imprisonment at hard labor for any term not exceeding six months, or both, at the discretion of the court; and any boat or vessel employed in the commission of any offense against the provisions of this act shall, with all her tackle, apparel and furniture, be forfeited; and the same may be seized, secured, condemned and disposed of in the manner prescribed in the ninth and tenth sections of the act entitled "An act for the preservation of clams and oysters" (Revision), approved April fourteenth,

Unlawful to dredge in Delaware bay south of certain line.

Penalty.

Proviso.

one thousand eight hundred and forty-six; *provided always*, that the provisions of this act shall not be construed to prohibit any person who now does, or hereafter shall, bona fide, occupy and plant with oysters any grounds not natural oyster or clam grounds; from working his own private oysters at any time and in any manner that he may otherwise lawfully do.

Repealer.

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

Approved March 24, 1899.

CHAPTER 150.

An Act concerning corporations.

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

Certain corporations may be leased.

1. Any corporation of this state, except railroad and canal corporations, may hereafter, with the assent of two-thirds in interest of its stockholders, either in person or by proxy, lease its property and franchises to any corporation, and every corporation of this state is hereby authorized to take the lease or any assignment thereof, for such terms and upon such conditions as may be agreed upon, and that any such lease or assignment, or both, heretofore made, are hereby validated; *provided, however*, that nothing herein contained shall be construed to authorize any corporation which is now specifically prohibited by law or by its certificate of incorporation from leasing its property or franchises to do so, nor to authorize the leasing by any corporation without the consent of the legislature, when such consent is now specially required by any law of this state.

Proviso.

2. This act shall take effect immediately.

Approved March 24, 1899.

CHAPTER 151.

An Act to amend an act entitled "A further supplement to an act entitled 'An act to authorize the board of chosen freeholders of any of the several counties of this state to lay out, open, construct, improve and maintain a public road therein,'" approved April seventh, one thousand eight hundred and eighty-eight, which further supplement was approved April sixteenth, one thousand eight hundred and ninety-six.

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

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

Section
amended.

7. When the commissioners shall have completed their assessment they shall report the same to said circuit court, with a map showing the location and boundaries of each lot so assessed, with the amount assessed against each lot by a number designated on said map, and the names of the owners thereof set opposite thereto, so far as the same may be known to said commissioners ; and wherever said property is laid out on a local assessment or other map, said commissioners may, in their discretion, in addition to the number aforesaid, insert the lot and block number on such local assessment or other map ; and wherever lands abutting on said improvement are not cut up into lots, said commissioners, for the purpose of assessment, may divide said lands on said map into lots ; *provided, however*, that whenever such improvement extends through more than one municipality, said commissioners, instead of making one report covering the entire improvement, may, in their discretion, make separate reports in manner and form aforesaid as to the property assessed in each municipality ; *and provided further*, that said commissioners in making their report may frame it, leaving suitable blanks, so that the report certified by the county

Commissioners
to report to
circuit court.

Proviso.

Proviso.

clerk as hereinafter provided may be used by the collecting officer hereinafter referred to as a book wherein to note the collection and payment of such assessment; and said commissioners may prepare and have printed sufficient books, blanks or forms for all the purposes aforesaid.

Section
amended.

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

Clerk to file
copy.

9. The county clerk shall, upon the filing of said report and map, cause copies thereof to be made, one to be filed with the county collector and one to be filed in the office of the officer charged by law with the duty of collecting assessments for street improvements in each city, town, township and other municipality in said county wherein there may be situated any lands assessed for said improvements; and from and after the filing of said copy of said map and report with the county collector, said assessments shall be and remain a lien upon each lot, tract or parcel of land assessed for said improvement for the amount of said assessment, 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 incumbrances thereon, and notwithstanding any mistake in the name or names of, or omission to name, the owner or owners thereof; and for the services rendered hereunder said board of chosen freeholders shall allow and pay said clerk reasonable compensation out of the moneys collected on account of said assessments; *provided, however*, that if said commissioners make separate reports as to the assessments within each municipality, the said county clerk shall certify to and file in the office of such officer only the report touching the assessments that he is to collect.

Assessments
a lien.

Compensation.

Proviso.

Section
amended.

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

Assessments,
how collected.

10. It shall be the duty of the officer charged by law with the duty of collecting assessments for street improvements in such municipality, upon the filing of a copy of said report and map in his office, to collect the said assessment upon all property assessed therefor within his said municipality, with all interest accruing thereon, to cancel the same upon his books when paid, to make out bills and receipts therefor, and to generally proceed therewith in the same manner as if said assessment had been imposed for said improvement by the authorities of said municipality,

and the proper officer of such municipality shall also pay over monthly to the county collector, for the use of the county, the moneys so collected, with an itemized statement of the amounts paid upon each particular lot assessed; and the bond of such officer given for the faithful performance of his duties as such shall extend to and cover the faithful performance of the duties herein imposed, and the sureties on the bonds of such officers shall be liable accordingly; and whenever, in the opinion of the board of chosen freeholders of such county, the bond of such officer is insufficient, or there is doubt as to the bond of such officer covering the faithful performance of the duties herein imposed, then the said board of chosen freeholders may notify said clerk, in writing, not to file said report with such officer, and the said board shall require a bond from such officer and fix the amount and condition thereof, and upon approval and filing with said board of said bond, said clerk shall file said report with said officer, who shall thereupon proceed with the performance of the duties herein imposed; and for such performance the said board shall from time to time fix the compensation to be paid to such officer, or may fix a certain percentage of the amount collected by such officer as compensation, which may be retained by him out of the moneys collected from time to time, which compensation shall not exceed one per centum of the sum collected; and, in addition thereto, the said board may allow such officer for proper and necessary disbursements; *provided, however*, that no charge as a disbursement shall be allowed for the services of any person in collecting said assessments, it being intended hereby that the allowance to be made to such officer shall be in full for all compensation for personal services; *and provided further*, that such assessments may be paid directly to such county collector, and he is hereby authorized to receive and receipt for the same whenever the said report is not filed with the collecting officer as aforesaid and until the same be so filed, but he shall not be bound to receive the same where the report is filed as aforesaid; and the said board is authorized to make a reasonable allowance to said county collector out of the moneys coming to his hands from assessments for said improvement for his disbursements and clerk-hire; and the bond of such county collector shall extend to and cover all moneys coming to his

Bond of officer
collecting
assessments.

Compensation.

Proviso.

Proviso.

hands for assessments collected under this act, and his sureties shall be liable accordingly.

Section
amended.

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

Assessments;
when payable,
interest.

11. The said assessments shall be payable, without interest, at any time within sixty days after the filing of said map and report with the county collector as aforesaid; and from and after the expiration of said sixty days, said assessment shall bear interest at the rate of ten per centum per annum from the date of such filing, which interest shall be collected by said collecting officer or county collector aforesaid with the principal of said assessments; and whenever it shall appear that a single assessment is levied against a plot or parcel of land owned in severalty by two or more owners, each owning distinct lots or parcels, said collecting officer or the county collector, where said county collector is bound to receive payment as aforesaid, may apportion said assessment in an equitable manner, and thereafter the amount so apportioned to the several lots or parcels shall be a lien thereon as of the date of filing said map and report in the same manner as if originally so assessed; and the proceedings for apportionment shall conform to the practice established by law for the apportionment of taxes or assessments in such municipality, and if there be no practice established by law, said board shall make rules governing the same, and the person applying for such apportionment shall file with the said officer or county collector making said apportionment, two maps thereof, and said officer shall file one copy in his office and one with the county collector with the amount assessed against each lot or tract as apportioned on said map with a certificate of such apportionment thereon written or annexed thereto, under his hand and seal; and if said county collector makes the apportionment, he shall, upon ceasing to be bound to receive payment as aforesaid, file with the proper officer one copy of said map with the amount assessed against each lot or tract as apportioned on said map, with like certificates under his hand and seal; for which services said officer or the county collector making said apportionment shall be entitled to claim a fee of one dollar for an apportionment of one plot into two lots and fifty cents additional for each additional lot into which said plot may be divided, to be paid by the party applying for said apportionment.

Apportionment.

Fees for making
apportionment.

5. That the twelfth section of the act to which this act is amendatory be amended to read as follows:

Section
amended

12. In case said assessment shall remain unpaid and in arrears for the space of two years after the date of the filing of the copy of said report and map with said county collector as aforesaid, it shall be the duty of the proper authorities of said municipality to proceed with the collection thereof by sale of the lands subjected to said assessment, according to the law governing the sale of land for delinquent assessments in said municipality; and any and everything required to be done in the regular order of such proceeding by said collecting officer shall be done by such county collector where he is bound to receive payment as aforesaid, with like force and effect, and all municipal officers required to do any act or thing in connection with said collecting officer in the sale of lands for delinquent assessments in such municipality, shall join with such county collector in the contingency aforesaid in the same manner as if he were a duly-constituted collection officer for such municipality.

Failure to pay
assessment in
two years, lands
may be sold

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

Repealer.

Approved March 24, 1899.

CHAPTER 152.

An Act relative to the government and management of the
New Jersey state village for epileptics.

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

1. The government of the New Jersey state village for epileptics shall be vested in a board of six managers, to be appointed by the governor with the advice and consent of the senate; they shall be residents of this state, and not more than three members shall belong to the same political party; two of the managers so appointed shall hold office for one year, two for two years, and two for three years, as shall be indicated by the governor on making their appointments,

Board of man-
agers; how
composed,
term, etc.

and thereafter all appointments except to fill vacancies in the said board shall be for three years, and shall be made by the governor by and with the advice and consent of the senate; the governor may fill vacancies occurring from any cause in the board, but the person appointed to fill the vacancy shall only serve under such appointment for the unexpired term of the person whose place he is to supply.

Control.

2. The managers shall have the general direction and control of all the property and concerns of the institution, not otherwise provided for by law, and shall take charge of its general interest, and see that its designs are carried into effect and everything done faithfully according to the requirements of the legislature, and the by-laws, rules and regulations of the village.

Officers; their
appointment
and term.

3. Whenever the proper time shall arrive the managers shall appoint a superintendent, who shall be a well educated physician, and a treasurer, who shall give bonds for the faithful performance of his trust, in such sums and with such sureties as the said managers shall approve; they shall also, on the nomination of the superintendent, appoint a steward, who shall give bonds for the faithful performance of his trust in such sums and with such sureties as the managers shall approve; they shall also, on the nomination of the superintendent, appoint so many assistant physicians as may be necessary in their judgment to carry on the work of the village in the proper manner, and a matron, upon like nomination, whenever in their judgment they may deem it necessary; all officers, except the treasurer, shall constantly reside at the village and be designated as the resident officers thereof; the treasurer and resident officers shall hold their several offices at the pleasure of the board of managers.

Salaries.

4. The managers shall, from time to time, determine the annual salaries and allowances of the officers of the village, subject in every case to the approval of the governor of the state; such salaries shall be paid quarterly on the first day of January, April, July and October by the treasurer of the state, upon the warrant of the comptroller, in such way and manner as is now done in the payment of salaries of the resident officers of the state hospitals.

Property held
in trust.

5. The managers may take and hold in trust for the state any grant or devise of land or any bequest or donation of money or other personal property to be applied to the main-

tenance of those committed to the care of the village, or for the general use of the village.

6. The said board of managers are hereby authorized and empowered to establish such by-laws as they may deem necessary and expedient for regulating the appointment and duties of attendants, nurses, teachers or other employes of the village; for fixing the conditions of admission, support and discharge of patients, and for conducting in a proper manner the affairs and business of the institution; to ordain and enforce a suitable system of rules and regulations for the internal government, discipline and management of the village.

Rules and regulations.

7. The superintendent shall be the chief executive officer of the village; he shall have the general superintendence of the buildings, grounds and farm, with their furniture, fixtures and stock, and the direction and control of all persons therein, subject to the by-laws and regulations established by the managers; he shall daily ascertain, or cause to be ascertained, the condition of the patients, prescribe their treatment in the manner directed in the by-laws; he shall appoint, with the approval of the managers, so many assistants in the several departments of the village as he may deem proper and necessary for the efficient and economical performance of the business and for carrying out the intentions for which said village was established, and to prescribe their several duties and places, and to fix, with the managers' approval, their compensation and to discharge any of them at his sole discretion; he shall also have the power to suspend for good and sufficient cause any resident officer, but in such case he shall give a written notice of the fact, fully stating the causes and circumstances to the president of the board of managers (or in his absence or inability to act from any cause, to the vice-president), whose duty it shall be thereupon to call a special meeting of the board to provide for the exigency; he shall also, from time to time, give such orders and instructions as he may judge best calculated to insure good conduct, fidelity and economy in every department of labor and expense, and he is authorized and enjoined to maintain salutary discipline among all who are employed in the institution, and to enforce strict compliance with such instructions and uniform obedience to all the rules and regulations adopted from time to time by the managers; he shall keep, or cause to be kept, full and fair

Superintendent ;
his duties,
responsibilities,
etc.

Accounts kept.

- accounts of the entire business and operations of the village, in books provided for that purpose, to the extent and in the manner prescribed in the by-laws, and he shall see that all accounts and records are fully made up to the last day of October, in each and every year, and that the principal facts and results, with his report thereon, be presented to the board of managers at their annual meeting in November; the senior assistant physician shall perform the duties and be subject to the responsibility of the superintendent in his sickness or absence.
- Annual report.
- Exemption from certain duties. 8. The resident officers of the village, and all persons actually employed therein, during the term of such employment, shall be exempt from serving on juries, and in times of peace from all service in the militia, and the certificate of the superintendent shall be evidence of the fact of such employment.
- Records of managers. 9. The board of managers shall keep, in a bound book provided for that purpose, a fair and full record of all their doings, which shall be open at all times to the inspection of the governor of the state, and all persons whom he or either house of the legislature may appoint to examine the same, and to such persons only, except by the written permission and authority of a manager of the village.
- Visitations by managers. 10. The managers shall maintain an efficient inspection of the village, for which purpose one or more of their number shall visit it at least once in every two weeks, a majority at the regular bi-monthly meetings and the whole board at the annual meeting in November; in a book kept for that purpose, the visiting manager or managers shall write the date of each visit, the condition of the patients as observed by him or them, with remarks of commendation or censure, and each manager present shall sign the same; the managers shall make to the governor, on or before the first day of December in each and every year, a report, detailing the past year's operations and the actual state of the village at the close of the fiscal year, with such recommendations as they may judge necessary to properly accomplish the work for which the village was designed and established, to be by him presented to the legislature, accompanied with the annual report of the superintendent, treasurer and steward.
- Report to governor.
- Managers to have access of village and books at any time. 11. It shall be the duty of the resident officers to admit any of the managers into any portion of the village and to exhibit to him or them, on demand, all books, papers,

accounts and writings belonging to the institution, or pertaining to its business, management, discipline or government, also to furnish to them copies, abstracts and reports whenever required.

12. The treasurer shall have the custody of all moneys, bonds, notes, mortgages and all other securities and obligations belonging to the village; he shall open an account at one or more banks, to be approved by the managers, in his own name as treasurer of the village, and he shall deposit therein all moneys, immediately on receipt thereof, and shall draw for the same only for the use of the village, and in the manner prescribed in the by laws, upon the written order of the steward of the village, fully specifying the object of the payments, approved by the superintendent and countersigned by the president of the board of managers; he shall keep full and accurate accounts of all receipts and payments in the manner described in the by laws, and such other accounts as the managers shall prescribe; he shall balance all the accounts on his books annually on the last day of October and make a full statement of the balance thereon and an abstract of the receipts and payments of the past year, which he shall, within three days thereafter, deliver to the auditing committee appointed by the board of managers, who shall compare the same with his books and vouchers and verify the results by a further comparison with the books of the steward and certify the correctness of the same to the managers at the annual meeting in November; he shall further render a bi-monthly statement of his receipts and payments to the auditing committee on the second Tuesday in January, March, May, July and September in each and every year, who shall compare and verify them as aforesaid, and report the results thereof duly certified to the managers, who shall cause the same to be recorded in one of the books of the village; he shall further render an account of the state of his books and of the funds and other property in his custody whenever required to do so by the managers; the said treasurer shall also have authority to recover for the use of the village any and all sums which may be due upon any note or bond in his hands belonging to the village, also any and all sums which may be charged and due for the support and maintenance of any patient therein or who may have been therein or for actual disbursements made in his behalf

Treasurer;
duties, etc.

Accounts
audited.

Bi-monthly
statements.

May recover
sums due village.

for necessary clothing and traveling expenses in an action to be brought in said treasurer's name as treasurer of the New Jersey state village for epileptics, and which shall not abate by his death or removal against the individual legally liable for the maintenance of said patient, and having neglected to pay the same when demanded by the treasurer, in which action the declaration may be in a general indebitatus assumpsit and judgment shall be rendered for such sums as shall be found due, with interest from the time of the demand as aforesaid; said treasurer may also, upon the receipt of the money due upon any mortgage, note or other obligation in his hands belonging to the village, execute a release and acknowledge full satisfaction thereof, so that the same may be discharged of record.

Steward;
duties, etc.

13. The steward shall, under the direction of the superintendent, make all purchases for the village and preserve the original bills and receipts thereof, and keep full and accurate accounts of the same, and copies of all orders drawn by himself, properly approved, upon the treasurer; he shall also, under like direction, make contracts, in the name of the superintendent, with employes, and keep and settle the accounts for the support of patients and expenses incurred in their behalf, and furnish the treasurer every month with copies of such as fall due; he shall make bi-monthly abstracts of all his accounts to the last day of the month preceding that in which is held the regular bi-monthly meetings of the board of managers, for the treasurer and managers; he shall also be accountable for the careful keeping and economical use of all furniture, stores and other articles purchased for the use of the village, and shall annually, during the third week of October, make out and furnish the managers with a true and perfect inventory, verified by oath, of all the personal property belonging to the village, in and about the premises, with an appraisal thereof, made under oath or affirmation by himself and two suitable persons whom the managers shall appoint for that purpose.

Annual
inventory.

Admission to
village.

14. No person shall be admitted to the village as a patient without lodging with the superintendent—first, a request, under the hand of the person making the request, stating his full name, place of residence, age, place of nativity, if known, occupation, degree of relationship to the patient, and other circumstances of connection between himself and the person

for whom he seeks admission, and second, the certificates of two physicians setting forth the fact that the applicant for admission is an epileptic, and given under oath or affirmation within thirty days immediately preceding being placed in the village; the physicians giving such certificates shall have graduated at some regularly incorporated medical college, be permanent residents of this state, and have been in the actual practice of their profession for at least three years; the certificates and other forms of admission to the village to be in accordance with certain specified forms adopted by the board of managers of the village, setting forth a full and complete history of the case, cause, nature and progress of the disease, so far as is known; in cases of persons maintained in the village at private charge, in addition to the aforementioned requirements for admission, a bond for the support of the patient, so long as he shall remain in the village, must be executed, drawn in favor of the treasurer of the village and signed by two sureties to be approved by the superintendent.

15. The superintendent shall make, or cause to be made, in a book kept for the purpose, at the time of reception, a record stating date of admission, name, residence, occupation and degree of relationship to the patient, of the person making the request for admission, also the names of each person accompanying the patient to the said village, and such other facts relating to the history of the case as provided for in section fourteen of this act; he shall also have all requests, certificates, bonds and other papers relating to the admission of the patient properly filed and kept as permanent records of the village.

Record of patients.

16. The superintendent may receive such number of patients in the village as it will properly accommodate, from each county in the state as shall be in just proportion with other counties, and each proportion shall be regulated by the managers, based upon the population of the county as given by the last census immediately preceding the allotment of quotas; if the full quotas allotted to any county should not be sent to the village, the vacancies thus existing may be filled by the managers with applicants from other counties.

Patients apportioned to counties.

17. The managers shall admit no more patients than can be provided for out of the appropriations that may be granted from time to time by the legislature for this purpose, and shall admit none under five years of age, nor for a shorter period than three months; they shall admit no indigent

Limitation as to number and age.

- patients who have not been residents of this state for a period of at least one year immediately prior to their application ;
- Private patients. the managers may, however, authorize the superintendent to admit, upon compliance with the requisite forms of admission provided for in this act, under special agreement, any epileptic to be supported and maintained in said village by relatives or friends.
- Condition of patient entering village. 18. Any officer, relative or friend sending a patient to the village shall see that he is in a state of bodily cleanliness, is comfortably clothed and provided with suitable raiment as prescribed by the managers in the by-laws, and that he has not been exposed to nor suffering from any contagious disease.
- Managers' expenses met. 19 The managers shall receive no compensation for their services, but shall receive the actual expenses incurred in the discharge of their duties, to be paid by the treasurer of the state upon the warrant of the comptroller on rendering bills in the same way and manner as is now done by the managers of the state hospitals.
- Epileptics may be transferred from asylums. 20. Any epileptic patient now under care, or who may hereafter be placed under care, in either of the New Jersey state hospitals for the insane, may be transferred from said hospitals to the New Jersey state village for epileptics upon the request of relatives or friends and upon a certificate to be given by the medical director of the hospital from which the transfer is to be made, said certificate to be accompanied by a full and detailed history, as far as can be furnished, of the case of the patient, stating frequency and character of the epileptic attacks, supposed cause of, et cetera.
- Police jurisdiction. 21. For the purpose of preserving and maintaining order and preventing disturbances and trespassing on the lands of the village, the said managers shall have police jurisdiction within the grounds owned by the state, and for two miles beyond the boundaries of said grounds, and it shall be lawful for said managers to appoint one or more proper and discreet person or persons, who shall take and subscribe an oath or affirmation before the clerk of the county of Somerset, which oath or affirmation shall be filed by said clerk in his office, and shall be in like form and effect as are required by constables to take and subscribe, and such person or persons so appointed and sworn or affirmed shall receive as compensation such amount as may be fixed by the managers ; *provided*, that said sum shall not
- Proviso.

exceed the amount now paid to constables in the county of Somerset, and said constables shall possess the same power and authority on the premises of the said village and on the premises immediately adjacent thereto within the limits named in this section, which constables now possess in criminal cases and in actions of trespass, and they shall have power and authority to arrest all persons who shall there be found to be unlawfully trespassing on said premises or violating any of the laws of this state, or who shall conduct themselves in an immoral or disorderly manner, or in violation of the rules and regulations provided by the said managers for the government of said grounds and premises, such rules and regulations not being in conflict with the constitution and laws of this state or of the United States, and said persons so arrested shall be taken without delay before some justice of the peace or other proper officer having jurisdiction of the case, to be dealt with according to law.

22. It shall not be lawful for any person or persons to sell or expose for sale, or cause or knowingly permit to be sold or exposed for sale, directly or indirectly, any spirituous, malt, vinous or intoxicating liquors, or any composition of which such liquors or beverages, or any of them, shall form the chief ingredient, on any lands or place lying and being within two miles of the boundary of the grounds owned by the state in the county of Somerset, used for the purpose of a village for the care and treatment of epileptics; and any person so offending shall be deemed guilty of a misdemeanor, and on conviction shall, for the first offense, be fined not less than fifty dollars nor more than two hundred dollars, together with the costs of prosecution, or imprisoned in the county jail for not less than ten nor more than thirty days, or by both such fine and imprisonment, and for each subsequent offense not less than one hundred dollars and imprisonment for not less than twenty days in said jail.

Unlawful to sell liquor within two miles.

Penalty.

23. It shall not be lawful for any of the surveyors of the highways or other person or persons to lay out or maintain any new road or public highway or railway through or upon the lands purchased or to be purchased for said village, without the consent of the managers of said village, in writing, being first had and obtained.

Laying out new roads; consent of managers.

24. The words "village" and "institution" mean the New Jersey state village for epileptics; a word denoting the singular number may include one or many, and every word

"Village" and "institution" defined.

importing the masculine gender only may extend to and include females.

Repealer.

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

Approved March 24, 1899.

CHAPTER 153.

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 of one thousand eight hundred and ninety-eight].

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

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

When contractor
disputes claim.

4. When a notice or notices shall be served upon such owner or owners by any journeyman, laborer or materialman under the third section of this act, and notice thereof shall have been given by such owner or owners to the master workman or contractor, as required by said section, and said master workman or contractor shall, within five days after receiving the notice aforesaid, notify in writing the journeyman, laborer or person who has furnished materials that he disputes his or their claim, and requests him or them to establish the same by judgment, the owner shall not pay the claim until it is so established; and the journeyman, laborer or person who has furnished materials shall forfeit all right to the money which may be due or may grow due to the contractor from the owner, unless he shall begin suit to establish his claim against the contractor within sixty days from the service by the contractor upon said journeyman, laborer or person who has furnished material of the notice aforesaid; *provided*, the master workman or contractor shall notify the owner in writing that he has given the aforesaid notice to said journeyman, laborer or materialman.

Claim must be
established.

Proviso.

2. All acts and parts of acts inconsistent herewith are hereby repealed, and this act shall take effect immediately.
 Approved March 24, 1899.

Repealer.

CHAPTER 154.

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

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

1. Section sixty-one of the act to which this is an amendment shall be and the same is hereby amended to read as follows:

Section amended.

61. Streets or sections of streets may be laid out, opened, straightened, extended, widened or otherwise changed, as to their boundaries, in the following manner, and not otherwise: A petition in writing setting forth the improvement desired, and that the signers thereof are owners of lands situate within the town which will be specially benefited by the proposed improvement, shall be presented to the council at a stated meeting thereof, if the council favors the proposed improvement, and if in its judgment the petition is signed by the owners of lands situate within the town which will be specially benefited by the improvement petitioned for, it may, at any stated meeting, adopt a resolution declaring that it favors the improvement petitioned for, and that in its judgment the persons signing the petition are owners of lands situate within the town which will be specially benefited by the improvement petitioned for, and referring it to the commissioners of assessment, who shall proceed thereon in the manner hereinafter directed; said resolution shall also require the petitioners to deposit with the town treasurer such sum of money (to be therein stated) as the council shall deem necessary to cover the costs and expense incurred by the town if such an ordinance for such improvement shall

Manner of laying out, opening, etc., streets.

Petition.

If favored by council, referred to commissioners of assessment.

Proceedings.

not be thereafter adopted, which sum shall in such case be applied to the payment of such costs and expenses, and the excess, if any, shall be returned, to the person or persons depositing the same; and in case an ordinance for such improvement shall be thereafter adopted such sum shall be returned in full, without interest, to the person or persons depositing the same, and the said commissioners of assessment shall not proceed in said matter until the town treasurer shall have certified to them that the sum specified in said resolution shall have been deposited with him; the commissioners of assessment shall be assisted in such manner as they shall require by a town surveyor, not interested in the improvement petitioned for, who shall be appointed for that purpose by the town council; the said commissioners shall make or cause to be made a map or maps showing all the lands, real estate and improvements to be taken for the proposed improvement and all the lots and parcels of land within the town which in the judgment of said commissioners will be specially benefited thereby, designating each lot and parcel on said map by a letter or number; said commissioners shall also ascertain, so far as practicable, the name of the owners of said real estate to be taken and property to be benefited, and the interest of each of the owners of real estate to be taken, and when such names or estates are not known they shall so report; they shall also appraise the value of the interest of each known owner of real estate to be taken and the damage to be done to such owner by taking the same; and where the estates in any plot of land are unknown they shall appraise the value of or the damage done to the fee-simple; said commissioners shall also estimate all other expenses likely, in their judgment, to attend the completion of the improvement; said commissioners shall also estimate the amount likely to be realized from the sale of any buildings, or parts of buildings, required to be taken on account of said improvement, and shall also determine the probable net cost of making the improvement; this probable net cost they shall then assess upon the land to be specially benefited, in proportion to the benefit to be received; thereupon they shall, under their hands, make a report of the facts ascertained and of the appraisements, estimates, determination and assessments made by them concerning said improvement, and shall present such report and their map to the council at a stated meeting thereof, which body shall then or at a

Ascertainment
of benefits and
damages.

Report to
council.

stated meeting to be held thereafter, fix a time and place when and where it will meet to consider all objections in writing to said report or to the proposed improvement, shall cause a notice of the filing of said map and report to be printed in the official newspaper in the town, or, if there be none, in a newspaper published in the county and circulating in the town, for two weeks successively next preceding the said time fixed by the council, at least once in each week, which notice shall contain a general description of the improvement intended, of the land to be taken, and of the land to be assessed therefor, and shall state the time and place when and where the council will meet to hear and consider any objections to said report or to the improvement, which may be presented in writing; said clerk shall also post copies of such notice in five public places of the town at least ten days prior to the said time fixed by the council for the hearing of objections, and shall also, at least five days prior to said time, serve a copy of such notice upon resident owners of real estate affected thereby, but the omission of the clerk to serve such notice shall not invalidate any of said proceedings; and all objections at such time and place, presented in writing, the council shall consider and adjudicate upon, and the council may alter, amend, adjust, increase or diminish any award without further or other notice to the person or persons interested therein; *provided, however,* that no resolution altering, amending, adjusting, increasing or diminishing any award or awards shall be passed or adopted except by or upon the affirmative votes of at least two-thirds of all the members of the council, nor shall any such resolution be passed or adopted at any other than a stated meeting; if the said council shall then determine to make said improvement, notwithstanding any objections to the same, the said council shall confirm said awards, as altered, amended, adjusted, increased or diminished, and pass an ordinance ordering said improvement to be made and completed in such manner as said council may direct, under the supervision of said commissioners of assessments; *provided,* the said council shall not proceed to make any such improvement if the owners of the property subject to more than two-thirds of the assessment for the improvement shall remonstrate against the same being made; the said council shall also pass a resolution directing the several sums awarded to be paid to the persons to whom the awards are

Hearing.

Council to
consider
objections.

Proviso.

Proviso.

Proviso.

made for real estate taken and damages sustained in making said improvement, and upon the passage of such resolution the fee-simple of said real estate to be taken shall be vested in the town; *provided*, that where the commissioners shall have reported the name or estates of the owners of any plot as unknown the said resolution shall direct the sum of the award on account of such plot to be paid to the owners thereof, when and as their interest may appear, and any such owner or person interested in said land may, by bill in chancery, according to the practice of that court, have the said sum distributed or in whole or in part paid over to him as law and justice may require; after the completion of said improvement, the said commissioners shall ascertain and determine the actual net cost thereof, and shall assess, as hereinafter provided, such actual net cost upon the lands especially benefited in proportion to the benefit received.

Repealer.

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

Approved March 24, 1899.

CHAPTER 155.

A Supplement to the act entitled "An act relating to courts having criminal jurisdiction and regulating proceedings in criminal cases" [Revision of one thousand eight hundred and ninety-eight], approved June fourteenth, one thousand eight hundred and ninety-eight.

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

Imprisonment in
other counties
than in which
convicted.

1. Whenever a conviction shall have been or shall be had in any county, and the court shall have adjudged or shall adjudge, pursuant to any statute giving authority for that purpose, that the person convicted be confined in the penitentiary of any county other than the county in which such conviction shall have been, or shall be had, the expense of keeping such convicted person in said penitentiary, not to

Expenses.

exceed three dollars per week, shall be paid to the warden or other principal keeper of said penitentiary for the benefit of the county in which such penitentiary is located, by the collector of the county in which such sentence was pronounced, upon the rendering to him of a bill for the same.

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

Approved March 24, 1899.

CHAPTER 156.

An Act for the relief of executors, administrators and assignees.

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

1. Whenever any executor, administrator or assignee shall have stated, or shall hereafter state, his final account of the estate in his hands in the prerogative court or in any of the orphans' courts of this state, and there shall be remaining in his hands any balance, residuary share, dividend or sum or sums of money to be paid to any legatee, distributee, creditor or other person or persons, and the said legatee, distributee, creditor or other person or persons shall not appear and claim the moneys so due to him, her or them respectively within three months from the time of the passing of the said final account by the said court in which the same was stated and allowed, the said executor, administrator or assignee may pay the said share, legacy or sum of money into the court in which said account was stated, taking therefor the receipt of the surrogate or clerk of said court; and said receipt shall be a full and sufficient discharge and release to the said executor, administrator or assignee for the moneys so by him paid into court and against the claim or demand of the said legatee, distributee or creditor so entitled to receive the same; and said receipt may be recorded in the office of the clerk or surrogate of said court in the same manner as releases for legacies and distributive shares are now authorized to be recorded; *provided*, that the said

When balance remains in hands of executor, etc.

Balance may be paid into court; receipt a full discharge.

Proviso.

executor, administrator or assignee, upon payment of the said moneys into court, shall file therewith an affidavit that he has made diligent inquiry for the residence and post-office address of the person or persons entitled to receive such moneys, and has not been able to ascertain the same; or, that having ascertained such residence and post-office address, he has either personally or by letter duly mailed to such residence and post-office address of the person or persons entitled to receive such moneys, notified such person or persons to appear and receive the same, which notice shall have been given at least twenty days before the payment of such moneys into court as aforesaid.

Moneys so paid
in deposited
in bank.

How withdrawn.

Rightful claim-
ants may petition
for same.

2. The surrogate or clerk of the court to whom any money shall have been paid in pursuance of the preceding section of this act, shall deposit the same in some responsible bank, savings bank or trust company, to be designated by the court, to the credit of "the orphans' court of the county of ——" or "the prerogative court of the state of New Jersey," as the case may be, the same to be drawn from said bank upon the check of the surrogate or clerk of said court, countersigned by the presiding judge or ordinary.

3. Any person or persons entitled to have or receive any legacy, distributive share or sum of money by any executor, administrator or assignee paid into court in pursuance of the first section of this act, may obtain the same by petition, directed to the court in which the said account was stated and moneys deposited, setting forth his, her or their right and title to the same, whereupon the court may take such order for the payment of such moneys and accrued interest to such claimant as it may deem proper.

4. This act to take effect immediately.

Approved March 24, 1899.

CHAPTER 157.

An Act providing for the annexation of the town of Stockton, in the county of Camden, and the territory embraced therein to the city of Camden, in said county.

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

1. The town of Stockton, in the county of Camden, and the territory embraced therein shall be and hereby is annexed to the city of Camden, in said county of Camden; *provided*, that nothing herein contained shall in any way affect or impair any contract or contracts heretofore made by and between the town of Stockton and any person or persons, corporation or corporations.

Town of Stockton annexed to city of Camden.

Proviso.

2. This act shall take effect immediately.

Approved March 24, 1899.

CHAPTER 158.

An Act for the relief of Captain William H. Hemsing.

Whereas, Captain William H. Hemsing, who served throughout the civil war in the sixth regiment New Jersey volunteers and was honorably discharged, and subsequently appointed a deputy-keeper in the New Jersey state prison, which position he filled for twenty-one years, to the great satisfaction of all the keepers thereof, is now an inmate of the insane hospital at Trenton, as a result of fidelity to duty, in disarming a desperado who inflicted upon him the wound which caused his disability, and deprived his wife and family of their sole support; therefore,

Preamble.

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

Amount of
pension.

1. There be paid to the guardian, when appointed, of said Captain William H. Hemsing, so long as he shall remain in the insane hospital, in monthly payments, from the treasury of this state, the sum of thirty dollars per month as a pension; that the said pension shall commence from the disability of said Captain William H. Hemsing as a deputy-keeper at the New Jersey state prison, which occurred October fifteenth, one thousand eight hundred and ninety-eight, and shall be audited and paid by the comptroller and treasurer respectively.

2. This act shall go into effect immediately.

Approved March 24, 1899.

CHAPTER 159.

An Act authorizing the appointment in counties of the first class in this state of an interpreter of the Polish and Russian languages to the court of common pleas, circuit court, orphans' court, court of general quarter sessions of the peace, court of special sessions and the public offices connected therewith, and fixing the salary of such interpreter.

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

Interpreter of
Polish and Rus-
sian languages
may be ap-
pointed.

1. When the transaction of the public business of the court of common pleas, the circuit court, the court of general quarter sessions of the peace, the orphans' court, the court of special sessions, and the business connected with said courts in the offices of the prosecutor of the pleas, the sheriff, the county clerk, the surrogate and of the grand jury, in any county of the first class in this state, may be expedited or improved thereby, the presiding judge of the court of common pleas in said county may appoint an interpreter of the Polish and Russian languages, to serve during the pleasure of the appointing power; the said interpreter shall be in daily attendance during the several terms of the courts, upon the

Duty.

judges of the county and circuit courts, the supreme court justice and the officers charged with the public business of said courts, for the interpretation of the Polish and Russian languages and dialects in the transaction of the public business thereof; and said interpreter shall receive as compensation for his services a salary at the rate of nine hundred dollars per annum, to be paid monthly by the county collector, on the certificate of the county clerk, showing performance of duty, to be endorsed upon a formal claim for services rendered, verified by the oath of the claimant and presented to the county clerk for indorsement.

Compensation.

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

Repealer.

Approved March 24, 1899.

CHAPTER 160.

A Supplement to an act entitled "An act to encourage the establishment of mutual loan, homestead and building associations" [Revision], approved April ninth, one thousand eight hundred and seventy-five.

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

1. The shares of every mutual loan, homestead and building association organized under the laws of this state, or doing business therein, which have not been pledged as collateral security for the repayment of a loan, may be withdrawn at any time after one year by the holder by giving such written notice as may be provided for in the constitution or by-laws, unless withdrawal be otherwise permitted by such constitution or by-laws; the withdrawing shareholder shall be paid the withdrawal value of his accumulations, which shall be not less than the sum of his installments paid in, less all unpaid fines and his proportionate share of any loss sustained by the association, and after the first year

Withdrawal of shares not pledged as security.

Amount paid.

- a reasonable share of the profits on the accumulations in addition to such withdrawal value shall be paid to the withdrawing shareholder; *provided*, that at no time shall more than one-half of the funds in the treasury be applicable to the demands of withdrawing shareholders without the consent of the board of directors; *and provided further*, that amounts paid for salaries, commissions and other current expenses shall not be considered losses sustained by an association within the meaning of this section.
2. Every mutual loan, homestead and savings association organized under the laws of this state, or doing business therein, shall annually furnish to each shareholder a full report of its affairs and financial condition, which report shall include a detailed statement of income from installments, interest, fines, premiums and other receipts, and a detailed statement of expenditures, including expenses of management.
3. All acts and parts of acts inconsistent with this act be and the same are hereby repealed.
4. This act shall take effect immediately.
- Approved March 24, 1899.

CHAPTER 161.

An Act to set off territory from the township of Chatham, in the county of Morris, and annex the same to the borough of Madison, in said county.

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

Boundaries of
portion of town-
ship of Chatham
annexed to
borough of
Madison.

1. All that land and real estate situate, lying and being in the township of Chatham, in the county of Morris, bounded and described as follows: Beginning in the center of Prospect place at the present southwesterly boundary line of the borough of Madison; thence southwesterly, along the center line of Prospect place, to the center of the Shunpike road; thence northerly, along the center line of the Shunpike road, to a point in the center line of Loantaka way, where

the same is intersected by the said southwesterly boundary line of the borough of Madison; thence along the said boundary line southeasterly, to the place of beginning, be set off from the said township of Chatham and annexed to the said borough of Madison, so that the same shall be hereafter a part of and within the territorial limits of said borough of Madison.

2. This act shall take effect immediately.

Approved March 24, 1899.

CHAPTER 162.

An Act to provide for the better security of life and limb in cases of fire in hotels and other buildings.

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

1. Independent of, or in addition to, the external iron fire-escape or escapes that may be required by any law of this state upon any hotel or large boarding-house for the accommodation of the public, or upon any lodging house, tenement-house, or any building in which rooms or floors are let to numerous families, whenever any of said buildings can accommodate thirty or more individuals and are three or more stories in height, it shall be the duty of the owners of all said buildings to provide and cause to be securely affixed to a bolt through the wall near the window head, inside of at least one window in each and every room on the third floor, and in each and every room on each higher floor of every such building, a chain at least ten feet in length, with a rope at least one inch in diameter securely attached thereto of sufficient length to extend to the ground or other place of landing, or any other appliance, as a substitute for such rope and chain escape, that may be approved by any chief building inspector of any city of this state, or other official or board of officials, whose duty it is to inspect fire-escapes, or by any board of aldermen or other official board of any town, borough or any township of this state, by whatever names such authorities may be known; the rope escape

Additional
fire-escapes.

in each room shall be carefully coiled and kept in an unlocked box near the sill of the window to which the escape is attached ; and in each room there shall be posted a printed notice descriptive of such rope escape ; also a gong shall be placed in each corridor of each of said buildings capable of being heard throughout each of said buildings, to be sounded in case of alarm of fire.

Fire-gong.

Duty of
inspector.

Certificate of
approval.

Penalty for
violation.

2. It shall be the duty of the chief building inspector or said other authorities mentioned in section one of this act to enforce the provisions of this act, and to send printed notices to the owners of said buildings directing them to comply with the provisions of this act within sixty days from the date of said notices or become liable to the penalties prescribed by said act ; and upon compliance by the owners with the provisions of the act, the said officials shall issue to said owners certificates of approval, which certificates shall relieve the party or parties to whom the same shall be issued from the liabilities of fines and damages imposed by this act ; but in no case shall certificates be issued by said officials until the act is strictly complied with ; any such offense to be regarded by this act as a misdemeanor.

3. Any violation of this act, or of any neglect to comply with the notice to provide said escapes within the time specified in said notices, shall be deemed a misdemeanor ; and any person or corporation convicted thereof shall be liable to a fine of three hundred dollars, to be imposed annually until the provisions of this act are complied with ; and, in case of fire occurring in any of said buildings, the owners thereof shall also be liable in an action for damages in case of death or personal injury sustained in consequence of such fire breaking out in said buildings, in the absence of such fire escapes, approved by certificate of said officials ; and such action may be maintained by any person now authorized by law to sue, as in other cases for injuries resulting from criminal neglect.

Passed March 24, 1899.

CHAPTER 163.

An Act authorizing towns in this state to ~~fix~~ and establish the grades of streets, avenues and public highways therein.

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

1. It shall be lawful for the council or governing body of any town in this state, by ordinance adopted by the votes of a majority of all the members thereof, to ~~fix~~ and establish and to make and adopt a map or maps showing the grades of all streets, avenues and public highways open or to be opened or extended therein, and thereafter the regulating and grading of any such street, avenue or public highway shall conform to the grades so ~~fixed~~ and established. Make map showing grades of streets, etc.

2. All expenses attending the proceedings authorized by the first section of this act shall be paid out of the funds of the town on the order of the town council. Expense.

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

Approved March 24, 1899.

CHAPTER 164.

A Supplement to an act entitled "An act concerning wards and district lines in cities of this state, and for the formation of new wards," approved March fourteenth, one thousand eight hundred and ninety-five.

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

1. Where any common council, board of aldermen or other legislative body of any city of this state have divided, Limiting time in which to divide city into wards or change boundaries.

or may hereafter divide, said city up into wards, or have changed, or may hereafter change, the lines and boundaries of any of such wards, or have increased, or may hereafter increase, the number of wards in said city under the authority of the act to which this is a supplement, it shall be unlawful for said common council, board of aldermen or other legislative body of any such city to again divide said city up into wards or change the lines or boundaries of the present wards, or increase the number of wards in said city, for a period of five years thereafter; *provided*, that nothing herein contained shall be held to affect or modify the provisions of an act entitled "An act concerning cities," approved February twenty-eighth, one thousand eight hundred and ninety-nine.

Proviso.

Enacting clause. 2. This act shall take effect May first, one thousand eight hundred and ninety-nine.

Approved March 24, 1899.

CHAPTER 165.

An Act for the creation of a state board of children's guardians, and for defining their duties and powers with respect to the maintenance, care and general supervision over indigent, helpless, dependent, abandoned, friendless and poor children now or hereafter to become public charges of this state.

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

State board of
children's guard-
ians; appoint-
ment and term.

1. There shall be appointed by the governor seven persons, two of whom shall be women, who shall be known as the state board of children's guardians, two of whom shall hold office for two years, two for four years and three for six years, as shall be indicated by the governor on making their appointment, and thereafter all appointments, except to fill vacancies in the said board, shall be for six years, and shall be made by the governor; said board shall receive no compensation for their time or services but the actual and

Expenses met.

necessary expenses of each of them while engaged in the performance of the duties of his or her office.

2. In case of the death or resignation of any member, or in case any member ceases to be a resident or citizen of this state, it shall be the duty of the governor to fill such vacancy for the unexpired term only, and any member may be removed by the governor for cause. Vacancies.

3. Said board of children's guardians shall have and it is hereby vested with power to adopt a seal and reasonable rules and regulations; said board of children's guardians shall have the care of and maintain a general supervision over all indigent, helpless, dependent, abandoned, friendless and poor children who may now be or who may hereafter become public charges; and said board shall have the care of and maintain supervision over all children adjudged public charges, who may now be in the charge, custody and control of any county asylum, county home, almshouse, poorhouse, charitable institution, home or family to which such child or children may be or have been committed, confined, adopted, apprenticed, indentured or bound out; said board shall have and is hereby vested with power to appoint such agents, one being a woman, and other subordinate officers as it may deem necessary; said board shall fix their compensation, subject to the approval of the governor, and the amount paid for compensation of such agents and other officers shall not exceed the sum appropriated by the legislature for the purpose. Power and duty of board.

4. It shall be the duty of the state board of children's guardians, upon receiving notice of the commitment of any child as a public charge, to place such child in the care of some family within this state, with or without the payment of board, and with or without indenture; and it shall further be the duty of such state board of children's guardians to place such child in the care of a family of the religious faith of the parent or parents of such child, and during the period in which the state board of children's guardians is seeking such family for such child, and until such family is secured as hereinbefore provided, it shall be the duty of the state board of children's guardians to place such child in the custody and care of an institution in this state for the care of children; *provided*, that the institution in which the child is placed shall be one maintained for children of the religious faith of the parent or parents of such child when such an institution exists therein; in case no Further duty

Proviso.

Proviso.	institution of such religious faith exists in this state, then the said board of children's guardians shall use its discretion in providing an institution for the care of such child until a family has been secured; <i>provided</i>, that nothing in this act contained shall be construed as giving such state board any control over or supervision of any child heretofore or hereafter placed in or bound out by any home or institution created under the laws of this state, and supported or maintained without assistance from the state or any municipality thereof; but this act shall not apply in counties where the board of freeholders commit children who are county charges to incorporated institutions pursuant to the supplementary act approved March twenty-fifth, one thousand eight hundred and eighty-one (P. L. 1881, p. 250).
Visitations.	5. It shall be the duty of the state board of children's guardians to visit, by its agent or agents, quarterly, all children who may be committed under this act, and also any home, asylum, institution or private family where any such child or children may be placed; said board shall report from time to time to the governor, and make a yearly report to the governor and legislature of the state, showing in detail the work of said board for that time.
Reports.	
Funds provided by chosen freeholders.	6. The county board of chosen freeholders of the respective counties of this state shall annually hereafter provide sufficient funds for the objects of this act in their respective counties for the support, care and education and maintenance of any child or children adjudged to be a public charge, and who shall become thereby wards of the state board of children's guardians; said sum shall not be less than one dollar and fifty cents per week for each child.
Provision for expenses in annual budget.	7. It shall be the duty of the proper officers in any county, township, borough, city or other municipality in any county in the state having jurisdiction to provide in their annual budget for the expense of maintaining such children as aforesaid; said sum not to be less than one dollar and fifty cents per week for each child.
Duty of overseer of poor.	8. It shall be the duty of every overseer of the poor or other officer in any county, city, township, borough or other municipality in any county in the state having jurisdiction and power to do so, to commit such child or children to the care of the keeper of the almshouse, or such other institution where he would commit such child or children, for the term of thirty days after the date of such commitment;

thereupon he shall forthwith give a written notice of such commitment to the state board of children's guardians, which notice shall contain a description of such child, or children, embracing its or their name, age, sex, religion, faith of its or their parent or parents, date of commitment and such other information as such officer has been able to ascertain; upon such commitment being made by such officer as aforesaid, such child or children shall immediately become the ward or wards of the state board of children's guardians.

Wards of state guardians.

9. It shall be the duty of the state board of children's guardians, upon receipt of the notice of the commitment of any child as hereinbefore provided, to place such child or children in the manner hereinbefore provided as soon as possible thereafter; and in no case shall said child or children who may hereafter be committed as public charges, who may be over the age of twelve months, be confined in such almshouse for a longer period than thirty days, and the keeper of such almshouse shall surrender such child or children to the care and custody of the state board of children's guardians at any time within thirty days, when surrender is demanded.

Children placed as soon as possible.

10. The state board of children's guardians may, in its discretion, return any child or children becoming wards of said state board to the parent or parents or other relative agreeing to assume the care and maintenance of such child or children or of sufficient ability to do so.

Return children to parents.

11. The state board of children's guardians may, in their discretion, for the purpose of effective organization, require the continuance of children in almshouses or other places where such children may be kept for a period not longer than six months after the passage of this act.

Until effective organization is completed.

12. The state board of children's guardians shall remain the guardians of all children indentured, bound out or put forth, who may now be or may hereafter become public charges.

Remain as guardians

13. This act shall be construed liberally and for the benefit of any child or children so becoming ward or wards of such state board of children's guardians as aforesaid.

Act, how construed.

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

Repealer.

Approved March 24, 1899.

CHAPTER 166.

A Supplement to an act entitled "An act to establish a department of banking and insurance," approved February tenth, one thousand eight hundred and ninety-one.

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

Copy of charter,
etc., of certain
associations
filed.

Annual report.

Additional
reports may be
demanded.

Penalty for fail-
ure to comply.

"Loan, home-
stead and build-
ing associations"
defined.

1. Every loan, homestead and building association of this state, now existing or hereafter formed or organized, shall file in the department of banking and insurance, within sixty days after the passage of this act, or the date of its incorporation or organization, an authenticated copy of its charter, certificate of incorporation or association, constitution and by-laws, and annually thereafter copies of any amendments or additions thereto, and shall also within sixty days after the close of each fiscal year of said association make a report to said department, on blanks to be provided by the commissioner of banking and insurance, of its transactions, affairs and financial condition at the close of business of such fiscal year, such report to be verified by the oaths of such officers and other persons as the commissioner of banking and insurance may designate; and the said commissioner may call for additional reports whenever he shall deem it expedient; in case of the failure of any such association to file its annual report within the time herein specified, or any additional report within such reasonable period as the commissioner shall fix, not oftener than once in every three months, it shall be liable to a penalty of fifty dollars, to be recovered by said commissioner, in the name of the state, in any court of competent jurisdiction, and when collected shall be paid into the state treasury and applied to the expenses of the department of banking and insurance; but the commissioner may, for sufficient cause shown, extend the time for filing any annual report, not to exceed ten days.

2. The term "loan, homestead, and building associations," as used in this act shall apply to and include all corporations, companies, societies or associations formed or organized for

the purpose of enabling their members to acquire real estate, make improvements thereon, and remove incumbrances therefrom, by the payment of money in periodical installments or principal sums, and for the accumulation of a fund to be returned to members who do not obtain advances for such purposes, when the funds of the corporation, company, society or association amount to a certain sum per share, or otherwise doing business in the manner of what are commonly known as building and loan associations.

3. Every such association shall be subject to the inspection and supervision of the department of banking and insurance, and the commissioner of banking and insurance shall, either personally or by some person or persons to be appointed by him, visit and examine every such association at least once in every two years, or oftener if deemed expedient; and it shall be the duty of the officers, managers and employes of every such association to exhibit its books, papers and securities to said commissioner, or to the person or persons appointed by him to conduct the examination, and otherwise to facilitate the same so far as it may be in their power to do; and the said commissioner and every such examiner shall have power to examine, under oath or affirmation, any officer, director, trustee, manager, agent or employe of the association relative to its business or affairs, and for that purpose shall have authority to administer oaths or affirmations.

Every association subject to inspection and supervision of department of banking and insurance.

4. Whenever it shall appear to the commissioner of banking and insurance, from any report filed or examination made as provided in this act, that any such association is insolvent, or exceeding its powers, or violating the law, or that its condition or methods of business are such as to render the continuance of its operations hazardous to the public or to those having funds in its custody, he shall have authority to apply to the chancellor for an injunction restraining the association from the transaction of any further business, or the transfer or disposal of its property in any manner whatsoever, and the chancellor, being satisfied of the sufficiency of the application, may order an injunction and appoint a receiver, with power to sue for, collect, receive and take into his possession all the goods and chattels, rights and credits, moneys and effects, lands and tenements, books, papers, choses in action, bills, notes and property of every description belonging to the said association, and to sell, convey and

In case of reported insolvency, etc.

Injunction applied for.

Receiver may be appointed.

- assign the same, and hold and dispose of the proceeds thereof under the direction of the court of chancery ; or the application of the commissioner may be for the removal of one or more of the officers, directors, trustees or managers of the association, or for such other relief or correction as the particular facts may seem to demand, and the chancellor shall have power to grant such orders, and in his discretion, from time to time, to modify or revoke the same, as the evidence in the case, the situation of the parties and the interests involved shall seem to require.
- Officers, etc.,
may be removed.
- Annual report of
commissioner of
banking and
insurance.
5. The commissioner of banking and insurance shall make annual report to the legislature, which shall embrace a statement of the proceedings taken under this act, a summary of the annual report filed by every such association and such information touching the same as in his judgment may be useful.
- Examiners
employed.
- Compensation.
6. The commissioner of banking and insurance shall have authority to employ such persons as may be necessary for the proper discharge of his duties under this act ; their compensation to be fixed and paid as now provided by law for other persons employed by said commissioner.
- Fee for filing
report.
7. Every such association shall pay one dollar on filing its annual report, and shall defray the necessary expenses of any examination of its affairs made pursuant to the provisions of this act ; *provided, however*, that no association shall be compelled to pay more than twenty dollars in any one year toward the expenses of such examinations ; whenever any such examination shall be made by the commissioner or his deputy, in person, no charge shall be made except for necessary traveling and incidental expenses.
- Proviso.
8. All acts and parts of acts inconsistent with the provisions of this act be and the same are hereby repealed.
- Repealer.
9. This act shall take effect immediately.
- Approved March 24, 1899.

CHAPTER 167.

An Act authorizing the payment and collection of assessments for special benefits for public improvements, in installments, in towns of this state.

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

1. Hereafter assessments made in any of the towns of this state upon property specially benefited by the opening, widening or extension of any street, avenue or highway therein, or by the grading, flagging, curbing, guttering or paving of any street, avenue or highway therein, or by the construction of any trunk, main or lateral sewer in any street, avenue or highway therein, upon which the assessed property has or shall have a frontage, shall be payable in ten equal installments, the first at or before the expiration of two months from the date of the confirmation of the assessment, and the others in one, two, three, four, five, six, seven, eight and nine years after the date of such confirmation respectively; the first installment of any such assessment shall be one-tenth thereof and shall be payable without interest; the second and each subsequent installment shall be for a like amount, together with interest computed at the rate of five per centum per annum from the date of the confirmation of the assessment upon the unpaid balance of the assessment; the owner of the property so assessed for special benefits may, at his option, pay the whole of the assessment within one month from the date of its confirmation, without interest, or may pay the whole of the assessment or the balance thereof remaining unpaid at any time thereafter, with interest at the rate of five per centum per annum, instead of in installments as herein provided for; in case any installment of such assessment is not paid at the time when the same is due and payable, then interest upon such installment shall thereafter be computed at the rate of seven per centum per annum; no property so assessed for special benefits shall be sold for or because of the non-

Assessments for special benefits may be paid in installments.

Method of payment.

Interest on unpaid installment.

Duty of town
collector.

payment of any such assessment of any installment thereof and no proceedings shall be taken to enforce the collection of any installment so due and unpaid until ten years from the date of confirmation of such assessment, at which time, however, it shall be the duty of the proper officers of the town to enforce the collection of any such assessment in the same manner as assessments are now enforceable for like public improvements in the town; it shall be the duty of the town collector, or other officer charged with the duty of collecting assessments in any town, to set forth on each tax bill or notice hereafter served or given by him the amount of installments in arrears upon the property described in such tax bill or notice.

Repealer.

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

Approved March 24, 1899.

CHAPTER 168.

An Act regulating the method of making contracts in cities of the first class in this state, and providing for the raising of moneys to be expended thereunder.

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

Advertising for
contract or
materials.

1. No contract for work or materials shall be entered into, or purchase of personal property made by or on account of any board or department of the city government of cities of the first class in this state, except after due advertisement, for five consecutive insertions at least, in the official newspapers in such city, whereupon the contract shall be awarded to or the purchase shall be made of that responsible bidder who offers the terms most advantageous to the city; *provided*, that nothing in this section contained shall apply to cases where the amount to be paid by the city, or to be raised by assessment for or on account of such contract or purchase, shall not exceed five hundred dollars; *provided further*, that

Proviso.

Proviso.

nothing herein contained shall apply to repairs, when the safety or protection of public property, or the public convenience requires such advertisements to be dispensed with; *and provided also*, if the exigency of any public service will not admit of such advertisement said work may be done or said materials may be purchased forthwith, provided the board charged with doing or purchasing the same shall first pass a resolution which shall be concurred in by the board of finance or other body having the control and management of the finances of such city and approved by the mayor declaring such exigency to exist, and that the immediate performance of the work and furnishing of any materials would not admit of the ordinary delay in advertising for proposals, and the president or chairman of any board charged with doing the same may call a special meeting of said board at any time for the purpose of passing said resolution; *and provided also*, that nothing herein contained shall apply to purchases by trustees of free public libraries, repairs to public school buildings, or to the rental of any building for school purposes in case of the partial or total destruction by fire of any school building, or in case any school building shall be closed for repairs, or to any expenditures made necessary for procuring other buildings for school purposes by reason of any school building or buildings being partially or totally destroyed by fire or being closed for repairs aforesaid, or to repairs or cleaning of public sewers, or to the removal of snow from the streets of such city, the cost of either of which was not or could not be ascertained at the time of fixing the amount of the annual tax or tax levy of the then next preceding fiscal year, if the board charged with doing the same shall first pass a resolution declaring that the cost of such work was not and could not be ascertained at the time of fixing the amount of the annual tax or tax levy of the then next preceding fiscal year, and that the safety and protection of the public property or the public health requires such advertisements to be dispensed with, and the board of finance or other body having the control and management of the finances of said city shall concur therein and the mayor shall approve thereof; *and provided further*, that the board of finance or other body having the control and management of the finances of said city may by resolution, if the same be approved by the mayor of such city and not otherwise, borrow such sums of

Proviso.

Proviso.

Proviso.

Temporary
bonds.

money as it may deem necessary for such purposes, and issue temporary loan bonds therefor, to be signed by the mayor, sealed with the city seal and attested by the city clerk; said temporary bonds shall be in such form as said board of finance or other body having the control and management of the finances of such city shall fix and determine, and shall bear interest at a rate not exceeding four per centum per annum; and a sum sufficient to pay the interest and principal thereof shall be placed in the amount to be raised by tax for the fiscal year next following the issuance thereof.

2. This act shall take effect immediately.

Approved March 24, 1899.

CHAPTER 169.

An Act concerning townships [Revision of one thousand eight hundred and ninety-nine].

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

INCORPORATION AND BOUNDARIES.

Corporate name
and boundaries.

1. The inhabitants of each of the several townships of this state are hereby continued a body politic and corporate in law as heretofore constituted and established, but shall hereafter be known by the name of "the township of ———, in the county of ———," as the case may be, and the boundaries of the several townships shall be and remain as heretofore established by law; no suit, proceeding or instrument shall abate or in anywise be affected by any such change of corporate name, and the corporate powers of the several municipalities of this state, other than townships, shall be continued except as this act may otherwise expressly declare.

FISCAL YEAR.

2. The fiscal year in and for each township shall begin Fiscal year. on the first day of February and end on the last day of January.

ELECTIONS.

3. An annual township election shall be held on the Elections. second Tuesday of March in each year; the township committee may also at any time by resolution determine to hold a special election for any township purpose specified in this or any other act, other than for the election of township officers, and upon the adoption of such resolution it shall be the duty of the clerk of the township to give notice thereof in writing under his hand, mentioning the time, place or places and object of such special election, which notice shall be posted at three or more of the most public places in each election district of the township, at least fifteen days before the time therein appointed for holding such special election; every person entitled to the right of Voters. suffrage under the constitution of this state who actually resides in the township or the election district in which he claims a vote, and in which he shall have been duly registered as may be required by law, shall be entitled to vote at any annual or special township election; the vote at all township elections shall be by ballot.

OFFICERS.

4. The persons qualified to vote shall at their annual township elections have power to elect for such township Elective officers. a township clerk, an assessor of taxes, a collector of taxes, a member of a board of commissioners to hear and finally determine all appeals relative to unjust assessment in cases of taxation, an overseer of the poor, so many poundkeepers as shall be deemed necessary, one or more members of the township committee, as hereinafter prescribed, and such other officers as may by law be authorized, each of whom shall be a resident of the township, and except where other Term. wise provided, shall hold office for the term of one year;

- the terms of all such officers shall begin on the second Saturday after such election, and no township officer hereafter elected or appointed shall hold over in his office after the expiration of the term for which he shall have been elected or appointed; at any township election a plurality of votes shall be sufficient to elect any township officer.
- Plurality to elect.
- Appointive officers.
5. In addition to the officers to be elected, the township committee may employ or appoint a township attorney and a township engineer, neither of whom need be a resident of the township, and a township physician; no member of the township committee shall be eligible for appointment to any office that is now or hereafter may be required to be filled by said committee, except as may be otherwise expressly provided by law.
- Expiration of term.
- Vacancies.
6. All appointive officers hereafter appointed, except where otherwise provided, shall hold office until the second Saturday after the annual township election next succeeding their appointment; where a vacancy occurs in any appointive office, the township committee shall fill such vacancy for the unexpired portion of the term thereof; any person appointed by the township committee to fill a vacancy in any elective office shall hold office only until the second Saturday after the annual township election next succeeding his appointment, and at that election some fit person shall be elected to fill said office for such portion of the term, if any, as may still remain unexpired.
- Oath of office.
7. Every township officer elected or appointed to any township office shall, before entering upon the execution of his duties, make and subscribe an oath or affirmation that he will, to the best of his ability and understanding, faithfully, justly, and impartially, execute the duties of the office to which he has been elected or appointed; if such officer shall have been elected at any annual township election, his oath or affirmation shall be filed with the township clerk on or before the second Saturday after said election, and if he be appointed to his office, his oath or affirmation shall be filed with the township clerk within ten days after such appointment; the oath or affirmation of any officer, except the township clerk, may be taken before the township clerk, who shall take the same without fee, or before any other officer authorized by the laws of this state to administer oaths and affirmations; the oath or affirmation of the town-

ship clerk may be taken before any officer authorized by the laws of this state to administer oaths or affirmations.

8. In case two or more persons at any township election have an equal number of votes for the same office, or there be a failure to elect any officer, or a refusal by any person elected or appointed to any office to accept the same, or if any person shall resign from his office, or shall die or remove out of the township, or become incapable of serving, or fail to take or subscribe the oath or affirmation prescribed by law for his office, or shall fail to deliver such oath or affirmation to the township clerk within the time hereinabove limited, or shall not give such security as may be by law required within the time for that purpose limited, then such office shall be deemed to be vacant, and the township committee shall forthwith by resolution fill such vacancy; *provided, however*, that no vacancy shall be created by the removal from the township of any township attorney or township engineer.

What constitutes vacancy.

Proviso.

9. The township committee shall consist of three members, who shall hold office for the term of three years; *provided, however*, that the members of each township committee holding office when this act shall take effect, shall continue in office and constitute such township committee until the second Saturday after the first annual township election held after this act shall take effect, and no longer; at such election in townships heretofore created and at the first election in each township hereafter created, one member shall be elected for the term of one year, one for the term of two years, and one for the term of three years, and the ballots voted shall designate which one is to serve for the term of one year, which one for the term of two years, and which one for the term of three years, and at each succeeding township election thereafter in such township one member shall be elected for the term of three years.

Township committee.
Proviso.

10. Every township committee, when duly elected, appointed and qualified, shall have power and authority to elect one of their number as chairman of said committee, who shall preside at all the meetings thereof; a majority of the committee shall be a quorum.

Chairman of township committee.

11. The township committee shall annually furnish to the township clerk, on or before the tenth day of February, their report, which shall include a full and detailed account of all moneys received and disbursed during the next pre-

Annual report of committee.

ceding fiscal year by the overseer of the poor, the sinking fund commission, the township treasurer, and the collector of taxes both for township and school purposes, and the names of all persons delinquent in the payment of their taxes at the close of such fiscal year, together with the amount of taxes due from them respectively ; said report shall also contain such recommendations to the voters of the township as the committee shall deem expedient or proper.

Compensation
of committee
and clerk.

12. The members of the township committee shall each be allowed and paid two dollars for each meeting of the committee, provided that the aggregate annual compensation of each committeeman shall not exceed two hundred dollars, and the township clerk shall be allowed and paid three dollars per day, or such annual compensation as the committee shall by ordinance determine, for the services rendered in the performance of the duties required of him by law ; all salaries or other compensation shall be paid out of the treasury of the township.

Township clerk ;
term, and notice
of result of
election.

13. The township clerk shall hold his office for the term of three years ; he shall, within five days after any township election, set up in three or more of the most public places in the township a true and certified list of the persons elected and their respective offices, together with a statement of the result of the election in all other particulars, which shall be considered as sufficient notice to the said persons of their being elected to the said offices, respectively, and shall within the same time file a duplicate of such list with the clerk of the county ; he shall, within five days after the township committee shall have appointed or elected any officer, whether to fill a vacancy or otherwise, cause to be delivered to, or left at the place of abode of the person so appointed or elected, a notice in writing of his appointment or election, and within the same time shall file a certified copy of the record of such appointment or election with the clerk of the county.

Township clerk ;
duties.

14. The township clerk shall act as clerk of the township committee and keep a record of their proceedings ; he shall have the power to take affidavits in all cases concerning township business ; he shall also, on or before the twentieth day of February annually, cause to be published in not more than two newspapers to be designated by the township committee, or in pamphlet form, if the committee shall so order, their report for the next preceding fiscal year, and on

Publish annual
report.

neglect or refusal so to publish the same, he shall forfeit and pay the sum of one hundred dollars, which shall be recovered by action of debt by any person who shall bring suit for the same, one-half of which shall go to such person, and one-half into the treasury of the township; upon the death, resignation or other expiration of the term of office of the township clerk, all the papers, writings, books and records belonging to the said office shall be delivered to his successor in office, and if any such clerk, his executors or administrators, shall refuse or neglect to deliver the same after demand therefor, every such person shall forfeit one hundred dollars, to be recovered with costs by action of debt in any court having cognizance of that sum in the name and for the use of the township.

All papers, etc.,
to be delivered
to successor.

15. Every township committee shall appoint one of their number or the collector of taxes of the township, or any other legal voter of the township, to be the treasurer thereof, who when appointed shall be the custodian of the moneys of the township, and all moneys which the township committee are by law authorized to receive and disburse shall be paid to him and disbursed only on the order of the township committee; and he shall, whenever required to do so, and at the end of his term of office, account to the township committee for the moneys received by him as such treasurer, and on demand pay over the unexpended balance in his hands to such person as may be appointed to succeed him; such person shall give bond to the township in such sum and with such surety or sureties, corporate or otherwise, as the committee shall approve, conditioned for the faithful discharge of the duties of his office, which bond shall be filed in the office of the clerk of the county in which such township is situate, with the approval of the committee endorsed thereon; he shall also, on or before the fifth day of February, annually, make to the township committee and file with the township clerk a detailed statement of the amount of bonds issued and a full and detailed account of his receipts and disbursements as such treasurer for the next preceding fiscal year, which statement and account shall be in writing and verified by his oath, and on neglect or refusal to make and file such statement as aforesaid, he shall forfeit and pay the sum of one hundred dollars, which shall be recovered by action of debt by any person who shall sue for the same, one-half of which shall go to such person and one-half to the

Treasurer; his
appointment,
duties, etc.

Annual
statement.

township; in all cases where township moneys, other than those in the sinking fund, remain in the hands of any person or persons unexpended and the same cannot, for any reason, be used for the purpose for which it was raised, every person holding such moneys shall, on demand, pay the same to the township treasurer; on failure to comply with such demand, the township committee is hereby authorized to sue for and collect the same in any court having jurisdiction thereof, in the name of the township, and the committee may appropriate and use the same for the benefit of the township as they may deem best.

Term of
assessor.

16. Each assessor of taxes shall hold his office for the term of three years.

Collector of
taxes; bond.

17. The collector of taxes shall hold his office for the term of three years; he shall before he enters upon the duties of his office, and within thirty days after notice given of his election or appointment to such office, give bond to the township, in such sum and with such surety or sureties, corporate or otherwise, as the township committee shall approve, conditioned for the faithful performance of the duties of his office, which bond, with the approval of the committee endorsed thereon, shall be filed in the office of the clerk of the county in which such township is situated, and shall also, on or before the fifth day of February, annually, make to the township committee and file with the township clerk a full and detailed account of his receipts and disbursements as such collector for the next preceding fiscal year, the names of all persons delinquent in the payment of their taxes at the close of such fiscal year, together with the amounts of taxes due from them respectively, which account shall be in writing and verified by his oath; any collector of taxes who shall neglect or refuse to make and file such account as herein required shall forfeit and pay the sum of one hundred dollars, which shall be recovered by action of debt by any person who shall sue for the same, one-half of which shall go to such person and one-half to the township; in every township having a public building for township purposes, the township committee shall, from time to time, by resolution, designate a room in such building for the use of the collector of taxes, which room such collector shall keep open for the transaction of the business of his office on such days in each year as the committee may, by resolution, require.

Annual
statement.

18. Each member of the board of commissioners to hear and finally determine appeals relative to unjust assessments in cases of taxation shall hold office for the term of three years; at the first annual township election in each township hereafter created one commissioner shall be elected for one year, one for two years, and one for three years, and at each succeeding election therein one commissioner shall be elected for the term of three years, and at each annual election in townships now existing one commissioner shall be elected for the term of three years, as heretofore.

Board to hear
appeals; term.

19. The overseer of the poor shall hold his office for the term of three years; he shall, before he enters upon the duties of his office, give bond to the township, in such sum and with such surety or sureties, corporate or otherwise, as the township committee shall approve, conditioned for the faithful performance of the duties of his office, which bond, with the approval of the committee endorsed thereon, shall be filed in the office of the clerk of the county in which such township is situated; he shall, also, on or before the fifth day of February, annually, make to the township committee and file with the township clerk a full and detailed account of his receipts and disbursements as such overseer of the poor for the next preceding fiscal year, which account shall be in writing and verified by his oath.

Overseer of
poor; term.

Annual report.

ORDINANCES.

20. No ordinance shall be introduced and finally passed at a single meeting of the township committee, but every ordinance that shall be introduced at any meeting of such committee shall lie over and shall not be finally passed except at a meeting or an adjourned meeting held at least three days subsequent to that at which it shall be introduced; every ordinance, after the same shall have been duly passed, shall be engrossed by the township clerk in a book to be provided for that purpose with a proper index, which book shall be deemed a public record of such ordinances and shall be and remain in the custody of the township clerk; every ordinance shall be signed in the said book by the chairman of the township committee and the township clerk, and shall be published once in a newspaper printed and circulating in such township, providing such newspaper be published at

Passage of
ordinances.

Publication
of ordinances.

least once a week ; or, if none such be printed in said township, then in a newspaper printed in the county and circulating in such township, and until such ordinance shall have been so published the same shall be of no effect ; the said book of the record of ordinances, and every book in which ordinances heretofore passed have been duly engrossed pursuant to any law heretofore enacted, shall be taken and received in all courts as evidence of the ordinances of the township, and any copy of any of said ordinances so engrossed either before or after the passage of this act, and certified by the township clerk under the corporate seal of the township, shall likewise be taken and received in all courts as evidence of said ordinances, and the publication thereof in a newspaper, as is herein required, shall in all cases be presumed to have been made until the contrary shall be proven.

Ordinance as evidence.

Notice of proposed ordinance to change grade, etc., must be given.

Notice, how served.

21. No ordinance providing for the changing of the grade of any sidewalk, street or highway, or any part thereof, defining or establishing the boundaries thereof, compelling the removal of any encroachment that may be thereon, or providing for constructing, curbing, recurbing, paving, relaying or repairing any sidewalk or gutter, shall be adopted until notice of the time and place when said ordinance will be considered shall be given to the owner or owners of the lands in front of or bordering which such encroachment may exist or such improvement be proposed ; this notice shall be written or printed and shall state, generally, the object of said proposed ordinance, and shall be served upon said owner or owners at least ten days before the date fixed for the consideration of said proposed ordinance, in the following manner : by personal service ; or by mailing to the post-office address of said owner ; or by publication, for one insertion in a newspaper printed in the county and circulating in the township ; or by posting in five of the most public places of the township, at least one of which shall be in front of or upon some portion of the premises in front of or bordering which such improvement shall be proposed ; the affirmative vote of all the members of the committee shall be necessary for the adoption of such proposed ordinance.

Penalty prescribed for violation of ordinances.

22. Any township committee may by ordinance prescribe a penalty for the violation of any ordinance or any section thereof by fine not exceeding one hundred dollars, or by imprisonment in the township lock-up or county jail not exceeding ninety days and until the costs are paid, or by both

fine and imprisonment as hereinafter mentioned; such ordinance may prescribe the amount of the fine or the term of imprisonment, or it may provide that the justice before whom the proceedings shall be instituted shall determine whether the penalty shall be by fine or by imprisonment, and if by fine, the amount thereof, and if by imprisonment, the term thereof, within the limits above prescribed; such ordinance may further provide that the justice may fix the amount of the fine and commit the defendant to the township lock-up or county jail until the fine be paid, with costs, or until he be otherwise discharged according to law.

23. It shall be lawful for any constable, or any officer of the police department of any township, to arrest, without warrant, any person or persons who, within his view, shall violate any ordinance or section of any ordinance of the township, and to take the offender or offenders into custody before any justice of the peace within such township, in which case the officer making the arrest shall forthwith subscribe and make oath or affirmation to a complaint in writing, setting forth what ordinance, or what section of any ordinance, the defendant or defendants is or are charged to have violated; and every justice of the peace of the county is also hereby empowered, on oath or affirmation made according to law, that any person or corporation has or have violated any ordinance of the township, or any section of such ordinance, to issue process at the suit of the township, either in the nature of a summons or warrant, against the person or persons, or in the nature of a summons against the corporation so charged, which process shall, when in the nature of a warrant, be returnable forthwith, and when in the nature of a summons, be returnable in not less than five nor more than fifteen days; such process shall state what ordinance or what section of any ordinance the defendant or defendants is or are charged to have violated; on application said justice shall issue subpoenas to compel the attendance of witnesses before him, which shall have the same effect as if they were issued by him in the court for the trial of small causes.

Arrest for
violation of
ordinances.

24. Any process issued by any justice of the peace under the authority of this act shall be served or executed by any constable of the county or police officer of the township to whom the same may be directed or delivered, in the same manner and within the same time as like process is required to be served or executed when issued out of the court for the

Processes; how
executed.

Fees.

trial of small causes ; every justice of the peace and constable shall be entitled to the same fees for services performed under this act as for like services under the act of the legislature of this state entitled "An act constituting courts for the trial of small causes," and the several supplements thereto and amendments thereof as the same from time to time shall be in force.

Rights of person arrested.

25. Any person or persons arrested as hereinabove provided for shall, upon his or their appearance before the justice, be entitled, on demand therefor, to an immediate hearing, and if no immediate hearing be demanded, or if the process be a summons, the justice may adjourn the hearing to some convenient day ; if an adjournment be had, in the case of a person or persons under arrest, the justice shall have power to commit such person or persons to the township lock-up or county jail unless such offender or offenders shall enter into a bond to the township in its corporate name, in such sum as the justice shall fix, not exceeding one hundred dollars, with security satisfactory to the justice, conditioned that the offender or offenders will appear at the time and place to which said hearing may be adjourned ; if default be made in the condition of said bond, the amount fixed as the penal sum shall become immediately due and payable, and the township committee are authorized to sue for the same in the name of the township in any court of competent jurisdiction, and apply the amount, when collected, to the general use of the township.

Hearing and judgment.

26. On the return of the summons, or the arrest of any person upon warrant or view, or at the time to which the trial may be adjourned as aforesaid, the justice shall proceed to hear the testimony and proofs and to give judgment without the filing of any pleadings ; if the judgment be a fine only the justice shall forthwith issue execution against the goods and chattels of the defendant or defendants, and if the judgment be imprisonment only the justice shall forthwith issue an order of commitment of the defendant or defendants to the township lock-up or county jail for such term as may have been imposed by said judgment and until the costs shall be paid ; and if the judgment shall be a fine and commitment to the township lock-up or county jail until said fine be paid with costs, then the justice shall forthwith issue an order of commitment of the defendant or defendants to the township lock-up or county jail until the fine be paid with

costs, or until he be otherwise discharged according to law; *provided, however*, that where the judgment is imprisonment only, the justice issuing the order of commitment, or the judge of the court of common pleas of the county, may, at any time after the expiration of the term of imprisonment mentioned in the commitment, order the discharge of said defendant or defendants, notwithstanding such costs shall not have been paid, on being satisfied of the inability of the defendant or defendants to pay the same; *and provided further*, that where the judgment is fine and commitment until the fine be paid with costs, or until the defendant or defendants be otherwise discharged according to law, the justice issuing such order or commitment, or the judge of the court of common pleas of the county, may, at any time after the payment of such fine with costs, or at any time on being satisfied that the defendant or defendants are unable to pay said fine or costs, order his or their discharge from imprisonment.

Proviso.

Proviso.

APPROPRIATIONS.

27. The persons qualified to vote are empowered at any annual township election and at any other election duly held for the purpose, to vote, grant or raise such sum or sums of money as may be deemed necessary for the maintenance and support of the poor; the building and repairing of pounds; the opening, defining by monuments, making, grading, stoning, graveling, macadamizing, telfordizing, working and repairing of roads and streets, and keeping them in order; the planting, protection and care of shade trees on the highways; the destruction of noxious wild animals, birds and insects; the running and ascertaining of township lines; the renting, purchase, erection, maintenance and repair of suitable buildings for use as town hall or lock-up, for the use of the fire department, the police department, or for any other public use, and the purchase of sufficient lands therefor; the preservation of peace and order; the establishment and maintenance of a police department; the establishment and maintenance of a fire department; the prevention of the destruction of property by fire, or the prevention and extinguishment of forest fires; the preparation and completion of an assessor's map showing the real estate in the township subject to taxation; the

Purposes for which money may be voted.

lighting of the streets, public places and public buildings in the township; the curbing and recurbing, guttering and reguttering of the streets, and the construction, maintenance, relaying and repair of sidewalks and crosswalks; the obtaining of a supply of water for domestic and public use, or for the protection of property from destruction by fire, and the purchase, construction, extension, maintenance, operation and repair of a sufficient plant for the distribution of the same, with all the appliances and appurtenances; the drainage of the streets, highways and public places of the township; the purchase, construction, extension, maintenance, operation and repair of a sewer or sewers or system of sewerage, or of sewerage and drainage, or of sewage-disposal works, with all appurtenances and appliances; the acquisition, purchase, maintenance and improvement of land for public parks; the making of plans and surveys for and estimates of the cost of any proposed improvement; the celebration of local or national anniversaries or holidays; the maintenance and operation of the township government, and the payment of the incidental expenses thereof; the prosecution or defence of the common rights of the township; the payment of the debts and obligations of the township; for any sinking fund required or deemed advisable to be raised; and for such other objects, purposes or charges as may be authorized by law; a majority of all votes cast shall be required to determine an amount of money to be voted, granted or raised, but in case of a tie vote for different amounts of money for the same object, the smaller sum shall be considered the amount voted, granted or raised.

Provision for
payment of in-
terest and judg-
ment against
township.

28. The township committee shall have power by resolution to order and cause to be raised money for the payment of any judgment against the township, or of any portion of the principal or interest upon any township bond that shall be payable before the next annual township election for which no appropriation shall have been made by the voters; the township clerk shall serve on the township assessor a copy of such resolution, and thereupon it shall become the duty of the township assessor to assess or levy upon all the ratable and taxable property in such township, and of the township collector to collect, the sum ordered to be raised in the same manner and at the same time that other township taxes are assessed and collected, and to pay the same to the township treasurer out of the first moneys

that shall be collected by said collector over and above the moneys necessary to pay the state and county taxes, and the money so raised shall be applied only to the purposes for which it is raised.

29. The amount appropriated and ordered to be raised by taxation in the township in any one year shall not exceed a sum equal to two cents on the dollar of the assessed value of the property in the township for that year, exclusive, however, of all state and county taxes, and all moneys raised within the township for school purposes.

Limitation to appropriation.

30. All moneys voted, granted or ordered to be raised for township purposes shall be assessed, levied and collected by the same persons, at the same times, in the same manner and under the like fines and penalties as the money raised in said township by the board of chosen freeholders of the county shall be assessed, levied and collected, and the said fines and penalties when recovered shall be paid to the treasurer of the said township and be applied to the use of the said township in such manner as shall be directed by the township committee.

Assessment and collection of moneys.

Application of fines and penalties.

31. Whenever any money comes into the hands of the township treasurer from license fees, arrears of taxes, or any source other than the assessment, levy and collection of taxes for the current year, not herein or otherwise applied to any object or purpose, it may at any time be applied by the township committee to any purpose for which township money may be lawfully expended; and whenever after the close of the fiscal year any unexpended balance of such money or of any money raised by taxation in the township during the fiscal year remains in the hands of the treasurer, such money may be applied in the same manner.

Application of moneys other than taxes.

Balance.

GENERAL POWERS OF TOWNSHIP COMMITTEES.

32. The township committee shall have power to make, amend or repeal ordinances for the following purposes:

Power of township committee.

I. To fix the annual salary or compensation to be paid to each person elected or appointed to any township office, except members of the township committee, and the time and manner of the payment thereof; the salary or compensation, when so fixed by ordinance, and shall be in lieu of the fees or compensation otherwise provided by law, and said fees or

compensation shall thereafter be collected and paid into the treasury of the township for its use; but no salary or compensation shall be fixed or altered so as to affect any one who at the time of the adoption of the ordinance shall have been elected or appointed to office;

II. To prevent and suppress breaches of the peace and disorderly assemblages in any street, house or place in the township, and to suppress disorderly houses therein;

III. To prevent cruelty to animals and to authorize the detaining without warrant and the arrest of the person who may be guilty thereof;

IV. To provide for licensing and regulating hacks, cabs, omnibuses, stages, carriages and vehicles used for the carrying and transportation of passengers, and to fix the license fees for the same;

Proviso.

V. To provide for the allowance of a rebate of taxes for township or road purposes to all owners or possessors of wagons and carts used in the township for transportation of goods, wares, merchandise, produce, passengers, and for general farm, freight and express purposes having tires of not less than four inches in width; *provided*, said rebate shall not exceed one dollar for each wheel in use in any one year;

VI. To establish the grade of any street, highway or sidewalk, or any part or parts thereof;

VII. To change the grade of any sidewalk, street, highway or any part thereof, to define and establish the boundaries thereof, and to compel the removal of any encroachment that may be thereon;

VIII. To regulate the use of all sidewalks, streets, highways, alleys, parks and public places in said township; to direct and regulate the planting, rearing, trimming and preserving the shade trees in the same, and to authorize or prohibit the removal or destruction of said trees; to enforce the removal of snow, ice or dirt from the sidewalks and gutters of said streets, highways or alleys by the owner or occupant of the premises fronting thereon; to prohibit the removal of earth, gravel or any other road-making material from said streets, highways or alleys; to provide for the abatement and removal therefrom of nuisances and obstructions of every kind, and to prohibit the deposit therein of any refuse, ashes or other waste material;

IX. To prevent or punish immoderate driving or riding in any street or highway, or driving over or upon any side-

walk ; to regulate or prohibit coasting on or over the public roads, streets, avenues or sidewalks in said township or such of the same as in the judgment of said township committee may thereby be made unsafe for public travel ;

X. To regulate or prohibit the tearing up or excavating of the streets or roads of the township or any part thereof for the laying, replacing or repairing of water or gas or sewer pipes, or for any other purpose ;

XI. To regulate or prohibit the erection of signs or awnings over the streets or sidewalks ;

XII. To provide for the care and protection of all the property of the township, the custody of which is not expressly vested in some other officer or officers ;

XIII. To change the name of any street or highway in the township when petitioned to do so by the owners of lands that include two-thirds of the frontage on such street or highway ;

XIV. To prevent horses, cattle, sheep, swine, dogs, goats and other animals from running at large, and to provide for the impounding and sale of the same ; to fix the fees to be paid for, and prescribe the terms and manner of the redemption of said animals, and to provide for the destruction of dogs running at large ;

XV. To provide for licensing and regulating hawkers, peddlers, itinerant venders of merchandise, circuses and traveling shows, and to fix the license fees to be paid therefor, which may be imposed for the purpose of revenue.

33. The township committee may provide, by contract or otherwise, for sprinkling the streets of the township or for removing garbage ; *provided, however*, that no contract therefor shall be made for a longer period than one year.

Street sprinkling
and removal of
garbage.
Proviso.

34. The township committee shall annually examine and inspect the accounts and vouchers of all township officers and superintend the expenditure of all township moneys other than the moneys belonging to the sinking fund, or the moneys the superintendence of the expenditure of which is by law conferred upon other officers ; they shall have control of and supervision over all the property of the township the custody or management of which is not expressly vested in some other officer or officers.

Annual
examination
of accounts.

35. The legal voters of any township may vote, at their annual election or a special election called for that purpose, to authorize the sale by said township committee, at public

Sale of real
estate owned
by township.

or private sale, of any real estate owned by the township, and if the sale shall be so authorized, the committee may sell and convey the said real estate, or any part thereof, or any estate of the township therein, to the purchaser thereof, by a deed signed by the chairman of the committee, in the corporate name and under the corporate seal of the township, and may appropriate the moneys arising from such sale to any township purpose authorized by law; *provided*, that this section shall not apply to lands acquired under sales for taxes or assessments.

Proviso.

SIDEWALKS.

Construction,
etc., of side-
walks, etc.

Proviso.

Notice of
intended
paving, etc.

Action upon
neglect or refusal
of owners to
pave, etc.

36. The township committee shall have power, by ordinance, to provide for the construction, curbing, recurbing, paving, relaying and repairing the sidewalks or gutters on any and all streets, roads or public highways in the township at the cost and expense of the owner or owners of the lands in front of which any such improvement is proposed to be made; *provided, however*, that if the grade of the street, road or public highway, or of the section thereof along which any such improvement is proposed to be made, shall have been established by law previous to the passage of the ordinance providing for such improvement, then such improvement shall be made to conform as nearly as practicable to the grade so established.

37. Before any work is done or contract made under any ordinance, general or special, providing for the construction, curbing, recurbing, paving, relaying or repairing the sidewalks or gutters on any streets, roads or public highways in any township, notice shall be given to the owner or owners of the lands bordering on or in front of which any such improvement is proposed to be made requiring him to perform the work within thirty days thereafter; said notice shall be written or printed and shall be served on the owner in the following manner; by personal service or by mailing to his postoffice address; or by publication, for one insertion, in a newspaper printed in the county and circulating in the township.

38. If any owner or owners of any lot shall neglect or refuse so to construct, curb, recurb, pave, relay or repair sidewalks or gutters within the time limited in such notice.

as aforesaid, it shall be the duty of the township committee to have the same so constructed, curbed, recurbed, paved, relaid or repaired, and also to have constructed all necessary crosswalks; and whenever the cost of such improvement, including all expenses incident thereto, shall be estimated by the committee not to exceed the sum of two hundred dollars, said committee may give the contract for said work to any responsible person or persons, or may hire the same to be done without advertising for proposals, but all such work shall be done in such manner as that the cost of the materials, the incidental grading and the curbing, recurbing, paving, relaying, repairing and finishing of all sidewalks or gutters fronting or bordering upon the land so improved shall be capable of ascertainment, so that the portion of said work to be charged and assessed upon the property-owner, as hereinafter directed, may be separated from the other cost of said work; and whenever the cost of such improvement, including all expenses incident thereto, shall be estimated by said committee to exceed the sum of two hundred dollars, the said committee shall advertise for proposals to do said work and furnish all necessary materials therefor in such manner and for such time as said committee shall think advisable, and shall award the contract to the lowest bidder or bidders for the whole work who shall give satisfactory proof of his or their ability to furnish the requisite materials and perform the work properly, and offer sufficient security for the faithful performance of the contract.

39. If the owner of any lot of land shall construct, curb, recurb, pave, relay or repair any sidewalk or gutter after the township committee shall have advertised for proposals as aforesaid, or shall have made a contract where no advertisement for proposals is required, such owner shall not be entitled to any abatement or reduction on account thereof, but shall be and remain liable to the township for the full amount of the assessment to be made as hereinafter directed.

Liability of owner after contract be made to pave, etc.

40. The advertisements for proposals shall require: First, a separate bid for the substantial grading necessary to raise or reduce the ground on which the sidewalks, gutters and crosswalks are to be constructed to the grade established therefor, and for the furnishing of materials, the incidental grading and the laying or relaying, repairing and finishing of the crosswalks, and for the furnishing of materials, the incidental grading and curbing, or recurbing, relaying,

Contents of advertisements for proposals.

repairing and finishing of those portions of sidewalks that shall lie in the angles at the intersections of streets; second, a separate bid for the furnishing of materials, the incidental grading and the curbing, recurbing, paving, relaying, repairing and finishing of all the sidewalks which shall be in front of, or border upon, the land so to be improved.

Action taken
upon comple-
tion of work.

41. When such work shall have been completed the township committee shall ascertain the cost of the materials, the incidental grading and the curbing, recurbing, paving, relaying, repairing and finishing of all sidewalks fronting on or bordering upon the land so improved, and shall then cause a notice, signed by the township clerk, stating the time and place of the meeting of the committee to assess the cost of said improvement upon such lands, and that opportunity will be given to the owners of such lands to object to such proposed assessment to be given to the owner or owners of such lands; said notice shall be written or printed and shall be served upon said owner or owners at least ten days prior to the date of such meeting in the following manner: by personal service, or by mailing to such owner at his post-office address, or by publishing, for one insertion, in a newspaper printed in the county and circulating in said township, or by posting the same in five of the most public places of the township, one of which shall be in front of or upon some portion of the land so improved.

Manner of
notification.

Determination
of committee
after hearing.

42. At said meeting or at any subsequent meeting, having heard all objections, said committee shall, by resolution, finally determine the cost of the materials, the incidental grading and the curbing, recurbing, paving, relaying, repairing and finishing of all sidewalks fronting on or bordering upon the land so improved and shall assess the ascertained amount upon the owner or owners of each lot fronting on which or bordering which such work shall have been done, in proportion to the number of lineal feet of sidewalk in front of or bordering upon said lot; said resolution shall include the name or names of the owner or owners, if known, a brief description of the location of the lot with the number of such lineal feet, and the amount assessed upon said lot; the township committee shall in the resolution of assessment determine whether the assessment shall be paid in one payment or in equal annual installments not exceeding ten, but any assessment against any lot or any or all installments thereof may be paid at any time; all assess-

ments shall draw interest from and after the adoption of the resolution of assessment at the rate of six per centum per annum; and if made payable in installments there shall be due and payable with each installment interest thereon and on the unpaid portion of such assessment at the same rate.

43. Every assessment made by such resolution, with interest thereon as aforesaid, shall be and remain, from the date of the making thereof and until paid, a first and paramount lien upon the respective lands described therein, notwithstanding any devise, descent, alienation, mortgage, lien or incumbrance of any kind, legal or equitable, or any mistake in the name or names of any owner or owners, or any omission to name any owner or owners who are unknown, and notwithstanding any lack of form in the assessment or other proceedings which does not impair the substantial rights of the person or persons having a lien upon or interest in such respective lands; it shall be the duty of the township clerk, within five days after the adoption of said resolution of assessment, to deliver a certified copy thereof to the collector of taxes in said township, who shall, within fifteen days after receiving the same, serve upon each owner of any lot assessed a notice which shall set forth the description of such lot contained in the resolution of assessment, the amount assessed thereon, to whom assessed and the date when the same became a lien and that interest is due from that time, and if payable in installments, the number and times of payment thereof; service of this notice shall be made in the following manner: By delivering the said notice to the owner in person, or by leaving the same at his place of residence, or by mailing the same, with postage prepaid, directed to said owner at his last known post-office address, or by posting a like notice upon the lot described in said assessment; such assessment, when collected, shall be first applied to the extinguishment of any indebtedness incurred for such improvement, as it matures; if no such indebtedness exist such assessments, when collected, may be applied to and used for any purpose for which township moneys may be lawfully expended.

Assessment a
paramount lien.

Collector to re-
ceive certified
copy of assess-
ment from clerk.

Service of notice
upon owners.

44. If any assessment is to be paid in one payment the committee shall, at their meeting to revise the duplicate for taxes held next after the adoption of the resolution of assessment, add to the duplicate a statement in writing, signed and attested by the clerk, setting forth, as to each lot

If assessment
paid in one
payment.

whereon the installment payable in such year may not theretofore have been paid, the name of the owner, if known, and a brief description of the lot as contained in the resolution of assessment, the amount to grow due thereon, which shall include interest to the date when taxes for the current year are made due and payable; such assessments and interest shall be collected by the township collector with the taxes upon real estate shown in said duplicate, within the same time, in the same manner and by the same proceedings.

If assessment
paid in in-
stallments.

45. If any assessment is to be paid in installments the committee shall, at their meeting to revise the duplicate of assessment for taxes held next after the adoption of the resolution of assessment, and annually thereafter, on the day fixed for such meeting, add to the duplicate a like statement in writing setting forth, as to each lot assessed, the name of the owner, if known, and a brief description of the lot as contained in the resolution of assessment, the amount of the annual installment of assessment to grow due thereon for that year, with interest thereon, and on the balance of said assessment computed from the time interest is due to the time when the taxes for the current year shall be due and payable; such installments and interest computed as aforesaid shall thereupon be collected by the township collector with the taxes upon real estate shown in said duplicate, within the same time, in the same manner, and by the same proceedings.

Right of
redemption.

46. The owner or owners, mortgagee, tenant in possession, or any other person having a legal or equitable interest in any lot of land upon which an assessment has been made, shall have the same right to redeem, and the mortgagee shall be entitled to the same notice as is provided by the law of this state for the redemption of lands sold for taxes; and if any lot of land be sold for any unpaid assessment or installment thereof under the proceedings above mentioned, the certificate of sale or deed therefor, or any duly-certified copy of the record thereof, shall be presumptive evidence that said certificate of sale or deed, and all proceedings prior to the execution and delivery thereof, were regularly made and had.

Provision for
cost of paving,
etc., beyond
assessment.

47. The township committee may, by resolution, determine the cost of construction, curbing, recurbing, paving, relaying or repairing any sidewalk or gutter, exclusive of the part thereof assessed upon the owners of lots as hereinbefore provided, and the cost of all crosswalks, and of all surveys, calculations, maps, printing, fees, and other incidental expenses

incurred in said work, and order the same to be raised by taxation; the township clerk shall serve on the township assessor a copy of such resolution, and the assessor shall thereupon assess and levy upon the taxable property in the township, and the township collector shall collect, the amount so ordered to be raised at the same time and in the same manner as other township taxes are assessed and collected.

Duty of assessor.

48. Nothing in this act contained shall give to any township committee control of or supervision over the sidewalks and crosswalks in any municipality within the boundaries of any township where, by law, such control is now vested in the authorities of such municipality.

Exception as to control of walks.

49. Any notice or publication required to be given or made in connection with any such improvement or assessment shall, in all cases where the same shall come in question, be presumed to have been made or given in due and legal form until the contrary thereof be shown.

Presumption regarding legal notices.

50. Any ordinance, contract or proceeding for the construction, curbing, recurbing, paving, relaying or repairing of any sidewalk or gutter, may apply to and include any one or more of such methods of improvement.

Ordinance may include several improvements.

FIRE DEPARTMENT.

51. When the legal voters of the township shall have voted, granted or raised money for the establishment and maintenance of a fire department, the township committee shall by ordinance establish such fire department, designate or create the companies or organizations to whom they will intrust the use of the township fire apparatus, determine how many members each company shall contain, the qualifications for membership therein, the officers of said company and of said department, the mode of election or appointment of said members and officers and their powers and duties, and may by ordinance or resolution adopt, alter and amend such rules and regulations as may be necessary respecting the use, management, care and custody of the property and apparatus used by the fire department, and the conduct and government of the department.

Fire companies; members, use of property, etc.

52. Whenever a fire department shall have been established or money shall have been voted or granted for the prevention of the destruction of property by fire the town-

Water-supply for fire purposes.

ship committee may contract for or may, by any of the methods herein provided or by the building of cisterns in the public streets or highways, obtain a sufficient supply of water for the protection of property from destruction by fire.

Annual inspection of apparatus.

53. The township committee of any township having a fire department, shall at least once in every year inspect and examine the township fire apparatus, and report the condition thereof in their annual report, in order that the voters may know the needs of such department before an appropriation is made.

FOREST FIRES.

Fire marshal.

54. In any township where any sum of money shall be raised to defray the expenses of fighting and extinguishing forest fires, it shall be the duty of the township committee, at its next meeting after such sum shall have been ordered raised, to appoint a suitable person, being a resident of said township, to act as fire marshal thereof, and at the same time to determine the amount of compensation per diem to be paid such fire marshal when in the active performance of his duties; upon notice from the person so appointed of the acceptance of the said office the said township committee shall immediately issue to him a certificate of his appointment under their hands; after receiving his certificate of appointment he shall have the power to designate a proper person to act as his deputy in case of his absence or disability from any cause, and the said deputy shall, while engaged in the active duties of the said office, receive the same compensation per diem as his chief.

Compensation.

Deputy fire marshal.

Duty of marshal.

55. It shall be the duty of said marshal, on being apprised of the existence of any forest fire, either in his own township or in any adjoining township, by which the safety of any property in his own township may be imperiled, to assume absolute direction and control of all operations to be undertaken within the bounds of his own township for the extinguishing or prevention of the spread thereof; he shall have power during the continuance of such fire to appoint as many persons to act as aids in carrying out his instructions as he may deem necessary, and all persons present who may be actively engaged in subduing such fire shall act solely according to his orders and those of his authorized aids; he shall keep an account of the persons so appointed by him as aids

and of all other persons actively engaged in fighting such fires, together with the time during which they are employed, and in a reasonable time after such fire shall have been extinguished he shall report said account to the township committee, who shall have power to make reasonable compensation for such services out of any moneys that may have been appropriated therefor; if in the judgment of the said marshal a forest fire in an adjoining township shall imperil the safety of any property in his own township he may, with his aids appointed as aforesaid, and with such other persons as he may employ, render such assistance as he may think necessary for the extinguishment and prevention of the spread of said fire, and any assistance given him in such service shall be reported to, and paid for by, the township committee of his own township in like manner as aforesaid.

56. The township committee may cause to be made an accurate map or maps of such portions of the forest lands of their township as may be subject to damage by fires, with such railroads and public and private roads delineated thereon as they may deem necessary, and shall cause to be made whatever surveys and measurements are necessary for the proper completion of said maps; one copy thereof shall be filed with the township clerk and so many copies of the same shall be furnished to the fire marshal as the said committee shall deem advisable.

Maps of forest
lands.

POLICE DEPARTMENT.

57. When the legal voters of the township shall have voted, granted or raised money for the establishment and maintenance of a police department, the township committee shall by ordinance establish such police department and provide for the regulation, control and management of a police force, and for that purpose may by resolution appoint such members and officers of such police force as they may deem necessary; the members and officers of such police force shall, within the township, have all the powers of constables for the purpose of preserving the peace, and are authorized and empowered upon view, without warrant, to apprehend and arrest any disorderly person or any person committing any breach of the peace within the township, and to bring said person before any justice of the peace in said township to be dealt with according to law.

Police force;
members, duties,
etc.

Justice of the
peace appointed
to hear com-
plaints.

Compensation.

Proviso.

When township
committee may
appoint officers;
dismissal; com-
pensation.

58. In any township where a police department has been established and a police force appointed, the township committee may appoint one of the justices of the peace residing in the township to hear and dispose of complaints against persons charged with having violated any ordinance of the township, and may by ordinance fix the compensation to be paid to such justice out of the moneys appropriated for the police department, either in addition to or in lieu of the fees allowed by law in such cases; *provided, however*, that if such compensation be in lieu of fees, all the fees collected by such justice shall be accounted for to the township committee and paid over to the township treasurer.

59. The township committee of any township wherein no police department has been established may appoint one or more suitable persons, resident therein, as police officers, who shall have the powers and perform all the duties hereinbefore conferred and imposed upon police officers in townships having a police department; such police officer or officers may be dismissed at the will of the committee, and shall receive such compensation for their services as shall be fixed by said committee, not exceeding two dollars for each day they are actually engaged in performing the duties to which they may be assigned by the committee.

SEWERAGE AND DRAINAGE.

Sewerage system
secured.

60. Whenever money shall have been voted for the purchase or construction of a sewer or sewers, or system of sewerage or of sewerage or drainage, or whenever authority shall have been given for the issue of bonds therefor, it shall be lawful for the township committee to purchase, construct, or cause to be constructed, any sewer or sewers, or to establish a general system of sewerage or of sewerage and drainage conformably to which all sewers and drains shall be constructed, to cause trunk sewers, lateral or connecting sewers or a system of sewers and drains to be constructed or extended, to build and construct a sewer or sewers to tide-water, and to take all necessary steps, by contract or otherwise, for properly carrying into effect the proposed improvement; the committee shall have the power, for the purposes above mentioned, to lay down, examine, repair, place, replace and maintain all such pipes or mains as may

be necessary to such work or improvement in, under or across any street or highway of the township, or in, under or across any street or highway in any other municipality.

61. Whenever money shall have been voted for the purchase or construction of sewage-disposal works, or whenever authority shall have been given for the issue of bonds therefor, it shall be lawful for the township committee to collect the sewage of the township and to deodorize, utilize, consume and dispose of the same, by sale or otherwise, wholly or in part; to purchase lands and property in the corporate name of the township, within or without the territorial limits thereof, and to erect all necessary buildings, works and machinery thereon; *provided, however*, that the township committee shall first cause all necessary surveys and measurements to be made, and careful and complete maps and plans therefor and estimates of the cost thereof, to be prepared and filed with the township clerk; for the purpose above mentioned and as part of the said improvement the township committee may build or construct all necessary sewers in, under or across any street or highway of the township, or in, under or across any street or highway in any other municipality, subject to such reasonable regulations as said municipality may impose, and may, by contract or otherwise, take all necessary steps for carrying into effect the proposed improvement.

Disposition
of sewage.

Proviso.

62. The township committee may keep the sewers, works and drains in repair and working order, and may, by ordinance, make and establish regulations and conditions as to the management and use of the same and as to connections therewith, and as to rates and charges to be imposed therefor; the owner of any house, building or lot shall be liable for the payment of the rate or charge so imposed, and such rate or charge shall be a lien upon such house, building and lot until the same shall be paid and satisfied; said committee shall have authority to require payment in advance for said use or connection.

Maintenance
and use of
sewers.

Liability for
payment.

63. No sewer or drain shall be built or constructed into or through any other municipality, nor shall any sewage-disposal works be constructed or located in any other municipality, without the consent of the township committee, common council or body having general legislative authority in such municipality, and nothing herein contained shall be construed as repealing any provision of any act which prohibits the pollution of any of the waters of this state used to

Sewers in
another
municipality.

Pollution of
water.

supply any aqueduct or reservoir, or which are distributed for any public use, or as authorizing the discharge of sewage or the contents of sewers into fresh water or into any portion of a river or stream tributary thereto in such manner as to defile the source of any public water-supply.

Unpaid sewer
rates; how
collected.

64. Whenever any rate or charge imposed for the use of or connection with any sewer or system of sewerage or drainage shall not be paid by the owner or occupant of any house, building or lot, it shall be lawful for the township committee to make out, or cause to be made out, a list of the delinquents, including a brief description of each property and a statement of the amount of the unpaid rate or charge that may be a lien thereon, which list, duly certified over their hands, shall be given to the township assessor at least ten days before the time fixed by law for the delivery by him of his duplicate of assessments for taxes to the township collector; the said assessor shall thereupon annex said list to said duplicate and deliver it to said collector with said duplicate; said list of delinquents shall thereupon be regarded and taken as a part of said duplicate, and the said collector shall proceed to collect the amount of said unpaid rates or charges from the owners of the properties therein described, respectively, or out of the said properties in the same manner, at the same time, and by the same proceedings as are taken by said collector for the collection of the taxes assessed upon real estate shown in said duplicate; in addition to the remedies above provided, all such unpaid rates or charges may be collected and recovered by suit in the name of the township in an action on contract against the owner of the premises whereon the said rates or charges shall be a lien.

WATER-SUPPLY.

Provide a
suitable
water-supply.

65. The township committee shall have power to provide and obtain by contract with any individual or private or public corporation a good and sufficient supply of water for public or private use in the township or for the protection of property from destruction by fire; to purchase, construct, extend, maintain, operate and repair a sufficient plant for the distribution of the same, with all appliances and appurtenances, and for that purpose to lay, relay and extend water-pipes under any avenue, road, railroad, highway, street, lane

or alley in the said township ; any township that now owns any part of a plant for the supply or distribution of water for public or domestic use, may in like manner extend, maintain, operate and repair the same.

66. The township committee may by resolution or ordinance regulate the distribution and use of said water and provide for the protection of the property owned or used in connection therewith ; they may by ordinance establish the rate or charge for water, the time of payment thereof (which may be in advance), the time and mode of collection of said charges, and may impose, as a penalty for non-payment thereof when due, the cutting off of such water-supply ; the owner and occupier of any lot supplied with water or connected with the water-supply plant shall be jointly and severally liable to the township for the payment of the rate or charge therefor in an action upon contract in any court of competent jurisdiction.

Distribution and use of water ; rates, collection, etc.

LIGHT.

67. The township committee shall have the power to provide for lighting the streets and public places of the township, and for that purpose may contract with any person or private corporation for a supply of light for public use in said township.

Public lighting.

PROVISIONS APPLICABLE TO SEWERAGE, WATER-SUPPLY AND LIGHTING.

68. Before any contract for a supply of light for public use or of water for public or private use in the township for a longer term than one year shall be made by the township committee, the said committee shall adopt a resolution declaring their intention to so contract, which shall state the term of years of the proposed contract and the rate or price to be paid for the supply of water or light ; the committee shall cause a copy of said resolution to be published once a week for two weeks in a newspaper printed in the county and circulating in the township, together with a notice of the time within which remonstrances against the making of such contract may be filed with the township clerk, which shall not be less than one week from the date of

Public notice of intention to make contract for light and water.

- the last publication of said resolution and notice; if, on or before the time named, a remonstrance against the making of such contract, signed by the owners of more than one-half in value of the taxable property in the township, as shown by the latest preceding duplicate of assessments for taxes made in said township, shall be filed with the township clerk, the township committee shall have no power to make said contract or to institute, within the period of one year thereafter, any similar proceedings for the making of a contract for a supply of light for public use or of water for public or private use for a longer term than one year; if no such remonstrance shall be filed on or before the time named, the township committee may make such contract and may, by resolution, order to be raised each year and to be added to the annual tax levy such amount as may be necessary to pay for the cost of said supply of water or light falling due in said year; the township clerk shall serve upon the assessor a copy of such resolution, and the assessor shall thereupon assess and levy upon the taxable property in the township, and the collector shall collect, the amount so ordered to be raised at the same time and in the same manner as other township taxes are assessed and collected.
69. If any bonds be at any time outstanding which shall have been issued to pay the cost of the whole or any portion of any system of sewerage or drainage, water works or water-supply plant, and a sinking fund commission shall have been appointed in the township, so much of the income of said system of sewerage or drainage, water works or water-supply plant, as may remain after the payment of the cost of operation and maintenance thereof shall be paid over to said sinking fund commission, to be by them applied to the payment of the interest upon and principal of the bonds issued for the payment of the particular improvement from which the income is derived.
70. In case the township committee shall deem it expedient to contract with any municipality for the privilege and right to connect the sewers or drains of such township with those of said municipality in such manner that the sewage and drainage of such township shall flow into or through the sewers or drains of said municipality, or to contract with any municipality for a supply of water for public or private use, it shall be lawful for the township committee of such township and the body having
- If remonstrance.
- Cost of light and water added to tax levy.
- In case bonds have issued.
- Sinking fund.
- Contract with other municipality for use of sewers, water or light.

general legislative authority in such other municipality to enter into and make a contract in writing on behalf of the municipalities which they represent for such right and privilege or supply upon such terms, for such consideration, and during such period as may be agreed upon.

71. All or any of the powers herein conferred upon any township for the construction and maintenance of any sewers, system of sewerage or drainage, or the construction, purchase and maintenance of any sewage-disposal works, may be exercised by two or more townships or by a township and one or more other municipalities, by their respective governing bodies, and said townships, or said township and other municipality or municipalities may enter into a contract for the acquisition, maintenance or operation of any sewers, sewer system or sewage-disposal works at their joint expense to such extent as may be agreed upon, and said contract shall determine the part of the cost thereof that shall be paid by each township or other municipality, and any proceedings necessary to be taken to acquire property therefor may be taken by the governing bodies of any such township or other municipality, for the use of all the parties to said contract, or as may be agreed, but all obligations for moneys borrowed therefor shall be made by the governing bodies of such township or other municipalities, parties to such contract, separately for such part of the cost thereof as each township or other municipality may need to raise, and all proceedings to raise money for the part of the cost thereof chargeable upon each township or other municipality under said contract shall be taken as if each of said townships or municipalities had acted separately and independently.

Joint operation
of sewers, etc.

72. No power given to the township committee to make any public improvement or purchase any plant or property for the use and benefit of the township or enter into any contract therefor shall be exercised unless an appropriation has been voted or authority given for the issue of bonds to pay the cost thereof; *provided, however*, that this section shall not prevent the issue of bonds or the incurring of obligations for the payment of the cost of constructing, curbing, recurring, paving or relaying any sidewalk, or the making of any contract for the supply of water for public or private use for a term not exceeding one year, where, in the opinion of the township committee, the income received from the users or consumers of water, together with the sums voted

Power not exercised unless
provision be made for meeting obligations.

Proviso.

therefor, will equal or exceed the indebtedness incurred under such contract, or the making of a contract for any supply of light for public use or of water for public or private use for a longer term than one year, against the making of which no remonstrances shall have been filed as in this act provided.

CONDEMNATION OF LANDS.

Power of township committee in reference to establishment of sewers, etc., or parks.

73. In the establishment, construction or extension of sewers or drains, or a system of sewerage or drainage, or the collection and disposal of sewage, the creation or extension of a public park or parks, or in the making of any other public improvement authorized by law, the township committee may cause to be made surveys, plans and estimates by competent engineers and mechanics; may enter upon any and all lands within or without the township, and make such examinations, explorations, measurements and levelings as may be necessary and proper, doing thereby as little damage as possible to the owner or owners of said lands, and may take and appropriate any lands, easements, materials, waters, water-rights or property or any estate or interest therein upon making compensation to the owner or owners thereof; *provided, nevertheless*, that this section shall not be held to repeal any law which requires the consent of any municipality or its authorities to the use of lands or the erection of any buildings or public works thereon.

Proviso.

May treat with owner for property rights, etc.

74. Whenever the township committee shall determine to make and construct any sewer or sewers, drain or drains, or any sewage receptacle or works or place for treating or disposing of sewage, or to make or carry out any other public improvement authorized by law, and shall deem it necessary to take and appropriate for any such purpose any lands, easements, materials, waters, water rights or property, or any estate or interest therein, either within said township or beyond its limits, they may treat with the owner or owners thereof for the same, and may purchase said lands, easements, materials, waters, water-rights or property, estate or interests therein from said owner or owners, and make such compensation therefor, not exceeding the fair value thereof, as may be agreed upon, and thereupon shall receive from such owner or owners a conveyance thereof.

75. Whenever the township committee cannot agree with any owner or owners of any lands, easements, materials, waters, water-rights and property, or any estate or interest therein, which they deem it necessary to take and appropriate for public use, or when by reason of any owner being unknown, or of the absence from the state or legal incapacity of any such owner, no such agreement can be made, a petition, duly verified by affidavit, containing a particular description of the lands, easements, materials, waters, water-rights or property, and the estate or interest therein so required for public use, the name or names of the occupant or occupants, if any there be, and of the owner or owners, if known, their residence, if the same can be ascertained, and a statement of the inquiry made to ascertain the name of any unknown owner or the residence of any owner whose residence cannot be ascertained, shall be presented to one of the justices of the supreme court of this state, who shall assign a particular time and place to hear said petition, and shall cause such township committee to give notice thereof in such manner as he shall direct to the persons interested, if known and in this state, or if unknown or out of the state, to make such publication thereof as he shall direct; at which time and place, or at the time and place to which such hearing may be adjourned, upon satisfactory proof to him of the service or publication of such notice, and of the truth of the matters contained in said petition, he shall appoint under his hand three impartial and judicious freeholders, residents in the county or counties in which the land or property in controversy may lie, commissioners to examine and appraise the said land or property, and to assess the damages which the owner or owners may sustain by the taking thereof, and in the order making such appointment shall fix the time and place of their first meeting, and prescribe the notice thereof to be given by them to the parties interested.

In case of
disagreement.

Justice of
supreme court
to appoint com-
missioners to
assess damages.

76. The said commissioners, having first taken or subscribed an oath or affirmation before some person authorized to administer oaths, faithfully and impartially to examine the matter in question, and to make a true report according to the best of their skill and understanding, shall meet at the time and place appointed, and proceed to view and examine the said land or property, and after giving all persons interested an opportunity to be heard, shall make a just and equitable estimate and appraisal of the value thereof and

Oath, duty,
etc., of com-
missioners.

Report.	an assessment of the damages to be paid by the township, and where the estate or interest of any person or party in said land or property cannot be ascertained by them, they shall appraise and estimate the value of the estate or interest therein required to be taken, and award damages in gross therefor; said commissioners shall have power to adjourn said meeting from time to time, but shall within three months from the date of their appointment, or within such further time as any justice of said supreme court may allow, make a report in writing under their hands or the hands of any two of them, containing a description of the land, easements, materials, waters, water-rights or property, and the estate or interest therein taken, and the estimate, appraisalment and assessment made by them, and deliver the same to the township committee; and said report, together with the petition, all orders made in said proceedings, and the oaths or affirmations aforesaid, shall, within five days thereafter, be filed by the township committee in the office of the clerk of the county in which said land or property is situate, to remain of record therein.
Report, petitions, etc., filed.	
Fees and expenses of commissioners.	77. Any justice of the supreme court may by his order allow to the commissioners such fees for their services, and such expenses incurred by them, as he shall approve, which shall be paid by the township.
Payment by township committee.	78. After the filing of said report, the township committee shall make payment or tender of payment of the amounts awarded to the respective persons or parties entitled thereto; and in case of a dispute between any persons or parties claiming an interest in any amount awarded as to their respective rights or shares therein, or if any owner or owners be unknown, or do not reside in the township, or be in any way legally incapacitated to receive such damages, or will not accept the same when tendered, the said township committee is hereby authorized to pay the sum assessed to the clerk of the county in which said land or property is situate, to be paid out and distributed between or among the parties entitled to the same by the order of any justice of the supreme court, upon the application of any one or more of them, and on due notice to the others.
Vestment of title, etc.	79. The report of said commissioners, with the payment or deposit as aforesaid of the amounts therein awarded, shall vest in said township the title to and the right to enter upon, take possession of, and appropriate to its own

use, the said lands, easements, materials, waters, water-rights and property, or the estates or interests therein taken, in all respects as if the same had been duly conveyed to said township by the owner or owners thereof; and the said report, and a copy thereof, certified by the clerk of the county, and proof of such payment or deposit, shall at all times be considered plenary evidence of the right of the township to have, hold, use, occupy, possess and enjoy the said land, easements, materials, waters, water-rights and property, or the estates or interests therein, for the purpose for which the same are taken.

80. If either party feel aggrieved by any such assessment or award, such party may, within sixty days after the filing of said report, appeal to the circuit court of said county by a petition, which shall be filed with the clerk of said court; said court shall thereupon have full power to hear and determine said appeal, and on the application of either party, on such notice as it may order, to direct a proper issue to be framed therefor; said issue shall be tried upon the like notice and in the like manner as other issues of fact in said court are tried; if required by either party said court shall award a venire for a jury to come before it, who shall hear and finally determine the issue before the court as in other trials by jury, and it shall be the duty of the said jury to ascertain and assess the value of the said land, easements, materials, waters, water-rights and property, or estate or interest therein required to be taken, and the damages sustained, if any; said court shall have power to order a struck jury to try any such appeal, and also to order any jury which may be impaneled or sworn to view the premises in question; the right of said township committee to appeal from and dispute the correctness of any assessment or award shall not be deemed to be waived or taken away by the payment or deposit of the amount of the award, or by taking possession thereunder, or exercising the rights acquired thereby; the said court shall render judgment upon the verdict or determination of the court upon such issue, with costs thereon to the party prevailing in said appeal, and shall have power to enforce the judgment so rendered by execution as other judgments are enforced; *provided, however*, that no appeal of either shall prevent the township from taking the land, easements, materials, waters, water-rights and property, or estate or interest therein, upon filing the commissioners' report and

In case of dissatisfaction with assessment or award.

Struck jury.

Proviso.

award, and upon payment to the parties or deposit with the clerk of the county of the amount thereof as hereinbefore provided.

NOTES, IMPROVEMENT CERTIFICATES AND BONDS.

Borrow money
on notes.

81. The township committee may borrow money from time to time in anticipation of the collection of any sum or sums voted or granted for township purposes not exceeding the amount voted, and may secure the payment thereof, with interest, by notes of the township, which shall not, with all renewals thereof, run for a longer period than one year.

Improvement
certificates.

82. Improvement certificates may be issued to pay the whole cost of constructing, curbing, recurbing, paving or relaying any sidewalk, and if the certificates shall not be paid at maturity bonds may be issued in the name of the township to redeem them; improvement certificates may also be issued as the work progresses to pay the cost of any other public improvement for the payment of the cost of which the issue of bonds may have been authorized; and in such case they shall be redeemed upon the issue of said bonds; all improvement certificates shall bear interest at a rate to be fixed by the committee, not exceeding six per centum per annum, shall be made payable within three years from their respective dates, shall in no event exceed in amount the total cost of the improvement, including damages and all lawful expenses, and shall not be sold for less than par and accrued interest.

Purposes for
which township
bonds may be
issued.

83. Township bonds may be issued for the following purposes:

I. To take up and pay any outstanding bonds representing a lawful indebtedness of the township, for the payment of which no provision shall have been made, to pay the cost of constructing, curbing, recurbing, paving or relaying any sidewalk, and to pay the cost of extending any water mains or pipes for the distribution of the supply of water for public or private use, provided a sufficient number of the owners of property along the line of any proposed extension shall petition for the same, so as to assure or guarantee to the township an annual income from the sale of water along the line of said proposed extension equal to or greater than one-tenth of the estimated cost of said extension.

Proviso.

II. To raise money with which to pay the whole or a part of the cost of any of the following improvements: the construction or extension of a sufficient plant for the distribution of a supply of water, or of any sewer or sewers, or system of sewerage, or of sewerage and drainage, or of any sewage-disposal works, with all appurtenances and appliances; the grading, macadamizing and telfordizing of roads; the purchase or erection of suitable buildings for use as a town hall or lock-up, for the use of the fire department, the police department, or for any other public use, and the purchase of sufficient lands therefor; the purchase and improvement of land for public parks, or for the cost of any other public improvement, work or purchase of property authorized by law not specified in the first subdivision of this section.

84. When bonds are to be issued the township committee shall, by resolution adopted by a majority of the whole committee, provide for the issuing of the same; the resolution shall set forth the amount proposed to be issued, the purpose to which the proceeds thereof are proposed to be applied, the rate of interest proposed to be paid, not exceeding five per centum per annum, and the times of the payment thereof, the period for which it is proposed the bonds shall run, not exceeding thirty years from the date of their issue, the method by which it is proposed to provide money for their payment at maturity, and, if it is proposed to make them payable in installments, when each installment will fall due, and the amount thereof; *provided, however*, that bonds shall not be issued for any purpose other than to take up and pay outstanding bonds, or to pay the cost of constructing, curbing, recurbing, paving or relaying sidewalks, or to pay the cost of extending any pipes or mains for the distribution of a supply of water for the public or private use when the annual income of ten per centum of the cost of said extension shall be assured or guaranteed as before provided, except under the following conditions and restrictions: if a petition for the issue of bonds, specifying the amount proposed to be issued, the purpose to which the proceeds thereof are proposed to be applied, the rate of interest proposed to be paid, not exceeding five per centum per annum, and when said interest shall be payable, the period for which it is proposed the bonds shall run, not exceeding thirty years from the date of their issue, the

Bonds; how
issued, time,
rate, etc.

Proviso.

Restrictions.

method by which it is proposed to provide money for their payment at maturity, and, if it is proposed to make them payable in installments, when each installment will fall due and the amount thereof, shall at any time be presented to the township committee, and shall be shown by the oath or affirmation of the assessor to have been signed by the owners of more than one-half in value of the taxable property of the township, as shown by the last preceding duplicate of assessments for taxes in said township, the township committee shall thereupon by resolution frame a proposition to issue such bonds, which shall set forth the matters contained in the petition, and shall be voted on by the legal voters of the township at any annual election or at a special election called for that purpose; if a majority of the legal votes cast at such election shall be in favor of such proposition, the township committee shall adopt a resolution directing the issue of the bonds in conformity with said proposition; all township bonds shall be sealed with the corporate seal of the township, signed by the chairman of the township committee and countersigned by the treasurer, and shall contain all the terms, conditions, stipulations and restrictions set forth in the resolution directing their issue; said bonds may be sold either at public or private sale, but not for less than par and accrued interest.

Bonds either
registered or
coupon.

85. All township bonds may be issued either as registered or coupon bonds as the township committee may determine; if issued as coupon bonds, there shall be attached to each bond a coupon for each installment of interest provided for in said bond, each of which coupons shall be signed by the chairman and numbered to correspond with the bond to which they are attached; if registered bonds are issued, there shall be written or printed on the back of each bond a certificate of registration signed by the township treasurer, and from time to time thereafter a like certificate of registration of each assignment thereof, if consented to by the registered holder of said bond or his legal representative, and thereafter the principal and interest shall be payable to the person or party in whose name the said bond is registered, or to his legal representative; it shall be the duty of the township treasurer to keep a record of all outstanding bonds in a book to be provided, which record shall set forth, as to each bond, its number, amount, dates of issue and maturity, dates when interest is payable, rate of interest,

and, if such bond is to be registered, the name of the person to whom it is issued, the date of each transfer thereof, and the name of the transferee ; such record as to each registered bond shall constitute the registry thereof.

86. No issue of township bonds shall be made for any purpose whatever, if such issue, together with the township bonds then outstanding, shall exceed ten per centum of the total assessed value of the real and personal property in the township as shown by the then latest duplicate of assessments for taxes in the township.

Bonds not to exceed ten per cent. of assessed value.

SINKING FUND COMMISSION.

87. In any township having a bonded indebtedness the township committee may by resolution establish a sinking fund commission, which shall consist of the township treasurer and two freeholders resident in the township, to be appointed by said committee, who shall together constitute and be denominated "the commissioners of the sinking fund of the township of ———" (as the case may be); the resident freeholders so appointed shall hold office for three years; such commissioners shall be a body corporate by the name aforesaid, with power to invest the funds in their control in any stocks, bonds or other securities in which savings banks are by the laws of this state authorized to invest the moneys deposited with them, and the same to sell, assign or transfer, with power and liability to sue and be sued in such corporate name in any court of competent jurisdiction; each of said commissioners, before entering upon the duties of his office, shall execute a bond to the said township in such amount and with such surety or sureties, corporate or otherwise, as the township committee shall by resolution determine, conditioned for the faithful performance of all the duties of his said office; in any township where there now exists a sinking fund commission it shall be the duty of the township committee to establish the commission herein provided for, and such commission, when established, shall supersede the then existing commission, and all moneys, evidences of indebtedness, securities, books and papers in the hands of said old commission shall be forthwith transferred and delivered to the new commission.

Sinking fund commission; how constituted.

Name.

Body corporate.

Investments.

Give bond.

Such commission to supersede any then existing.

Money paid to
sinking fund
commission.

Providing for
redemption
of bonds.

If surplus.

Payment by
collector of all
moneys ordered
or raised for
sinking fund.

88. In any township where sinking fund commissioners shall have been appointed as aforesaid, the township committee may by resolution order so much as they may deem expedient of the moneys paid to said township in pursuance of the provisions of the act entitled "An act for the taxation of railroad and canal property," approved April tenth, one thousand eight hundred and eighty-four, to be paid annually to the sinking fund commission to the credit of such particular series of bonds as the committee may in said resolution direct, and after the passage of said resolution the revenues or sums of money so appropriated shall not be diverted to any other purpose or use until the said series of bonds shall have been paid; in order to provide for the redemption at maturity of any series of bonds, other than bonds issued to pay the whole or any portion of the cost of constructing, curbing, recurbing, paving, relaying, repairing or keeping in repair sidewalks or crosswalks, the township committee may by resolution order to be raised for the sinking fund in the tax levy next succeeding the issue of the series, and in each year thereafter and until the moneys in the sinking fund standing to the credit of the series shall be sufficient for such redemption, the annual interest thereon and such portion of the total amount of the principal thereof as may be necessary to conform to the method prescribed for the payment thereof in the resolution directing their issue, and in the case of any series of bonds heretofore issued such portion of the total amount of the principal thereof as the committee may deem advisable; the township clerk shall serve on the township assessor a copy of such resolution, and the assessor shall thereupon assess and levy upon the taxable property in the township, and the township collector shall collect, the sum so ordered to be raised in the same manner and at the same time that other township taxes are assessed and collected; and if, after the redemption thereof, there be a surplus in the sinking fund to the credit of such series, it shall be transferred by the sinking fund commissioners to the credit of any other outstanding series of bonds, or if there be no bonded indebtedness to which it may be applied, it shall be paid by them to the township treasurer for the general use of the township.

89. In any township where there shall be a sinking fund commission the township collector shall, within three months after the taxes shall be payable in any year, pay to the

commissioners of the sinking fund all moneys ordered by the township committee or voted by the people to be raised by taxation in that year for any sinking fund or for the payment of the whole or any portion of the principal of, or interest upon, any township bonds, and also, as soon as received, all assessments for any public improvement for the payment of the whole or any portion of the cost of which bonds have been issued, and all moneys set apart as aforesaid out of the revenues paid to said township in pursuance of the provisions of an act entitled "An act for the taxation of railroad and canal property," approved April tenth, one thousand eight hundred and eighty-four.

90. The sinking fund commissioners shall have entire control and management of the moneys paid to them as aforesaid for the purpose of paying township bonds or interest thereon; they shall pay the interest as it becomes due, and invest all moneys that shall come to their hands above the amount needed to pay such interest, and apply it towards the payment of the principal of said debt as it matures; if any township bond or coupon be paid by the said commissioners, at or after maturity, it shall thereupon be canceled, and if any township bond be purchased by said commissioners they may, in their discretion, cancel it; they shall annually, on the fifth day of March, make a full and detailed report to said committee, and file with the township clerk a full and detailed account of their receipts and disbursements for the next preceding fiscal year; in case the township committee shall desire to apply any surplus money in the township treasury to the payment of the bonded debt of the township, the same shall be paid to the sinking fund commissioners.

Control and management of moneys by commissioners.

Annual report.

Surplus money of township may be placed in sinking fund.

MISCELLANEOUS.

91. Whenever any ordinance shall be passed for making any improvement or performing any work, all further acts and proceedings which it may be necessary to take to carry out said improvement or work to completion, and all orders relating thereto, may be by resolution.

Further proceedings under ordinances may be by resolution.

92. When any suit shall be instituted against a township a copy of the summons, or other legal process issued against the township, shall be left with the chairman of the town-

Legal process against township.

ship committee or the clerk of the township at least ten days before the return day expressed in said process.

No certiorari or injunction after thirty days.

93. No certiorari or injunction shall be allowed or granted to set aside any ordinance or resolution for any public improvement in any township or to restrain action thereunder after thirty days shall have elapsed from the date of the adoption of such ordinance or resolution.

Present proceedings not affected by this act.

94. Bonds and township obligations now outstanding, vested rights, taxes and assessments heretofore levied or imposed, public improvements and all proceedings relating thereto now instituted, and all ordinances not inconsistent with the powers granted by this act shall not be affected or invalidated by this act.

Continuance in office of certain officials.

95. All township officers in office when this act shall take effect, whose offices are continued by this act, other than members of the township committee, shall continue in their respective offices until the second Saturday after the second Tuesday in the month of March nearest the expiration of the terms for which they were respectively elected or appointed, and no longer; and all township officers in office when this act shall take effect, whose offices are not continued by this act, shall nevertheless continue to possess the powers now conferred and discharge the duties now imposed upon them until the second Saturday next after the first annual township election held after this act shall take effect, and no longer, anything in this act to the contrary notwithstanding.

REPEALED ACTS.

Sundry acts repealed.

96. The following acts are hereby repealed, that is to say :
 "An act incorporating the inhabitants of townships, designating their powers and regulating their meetings," approved April fourteenth, one thousand eight hundred and forty-six, and the acts amendatory thereof and supplemental thereto, approved March seventh, one thousand eight hundred and fifty; February eleventh, one thousand eight hundred and fifty-two; March fourth, one thousand eight hundred and fifty-three; March fourth, one thousand eight hundred and sixty-four; April fifth, one thousand eight hundred and sixty-five; April seventh, one thousand eight hundred and sixty-eight; March tenth, one thousand eight hundred and sixty-nine; April fourth, one thousand eight

hundred and seventy-two; March fourth, one thousand eight hundred and seventy-nine; March twelfth, one thousand eight hundred and seventy-nine; March fourteenth, one thousand eight hundred and seventy-nine; February tenth, one thousand eight hundred and eighty-two; March eighth, one thousand eight hundred and eighty-two; March eighth, one thousand eight hundred and eighty-three; March twenty-fifth, one thousand eight hundred and eighty-four; April twenty-fourth, one thousand eight hundred and eighty-four; April twenty fifth, one thousand eight hundred and eighty-four; February twenty-fifth, one thousand eight hundred and eighty-five; April first, one thousand eight hundred and eighty-seven; March twenty-fifth, one thousand eight hundred and eighty-nine; April eleventh, one thousand eight hundred and eighty-nine; June thirteenth, one thousand eight hundred and ninety; June thirteenth, one thousand eight hundred and ninety; March second, one thousand eight hundred and ninety-one; March ninth, one thousand eight hundred and ninety-one; March seventh, one thousand eight hundred and ninety-three; May seventeenth one thousand eight hundred and ninety-four; February twenty-sixth, one thousand eight hundred and ninety-five; March ninth, one thousand eight hundred and ninety-seven; May eighteenth, one thousand eight hundred and ninety-seven; *provided, however*, that so much of section one of the first-mentioned act as continues as bodies politic and coporate in law as theretofore constituted and established the inhabitants of the several townships, precincts and wards therein mentioned, shall be excepted and saved from the operation of this act;

Proviso.

“An act concerning townships and township officers,” approved April twenty-first, one thousand eight hundred and seventy-six, and the acts amendatory thereof and supplemental thereto, approved March second, one thousand eight hundred and seventy-seven; March seventh, one thousand eight hundred and seventy-seven; March nineteenth, one thousand eight hundred and seventy-eight; April fifth, one thousand eight hundred and seventy-eight; March tenth, one thousand eight hundred and seventy-nine; March fourteenth, one thousand eight hundred and seventy-nine; March fourteenth, one thousand eight hundred and seventy-nine; March eighteenth, one thousand eight hundred and eighty-one; March ninth, one thousand eight hundred and eighty-

two; March fourteenth, one thousand eight hundred and eighty-two; March twenty-third, one thousand eight hundred and eighty-three; March twenty-third, one thousand eight hundred and eighty-three; March thirteenth, one thousand eight hundred and eighty-eight; March twenty-sixth, one thousand eight hundred and eighty-nine; April eighth, one thousand eight hundred and eighty-nine; passed April first, one thousand eight hundred and ninety; passed March eleventh, one thousand eight hundred and ninety-two; approved April fourth, one thousand eight hundred and ninety-two; May fifteenth, one thousand eight hundred and ninety-four;

"An act to provide for the payment of interest on township bonds," approved April twentieth, one thousand eight hundred and seventy-six;

"An act in relation to assessments in townships," approved March ninth, one thousand eight hundred and seventy-seven, and the acts supplemental thereto, approved March twenty-ninth, one thousand eight hundred and seventy-eight; March seventeenth, one thousand eight hundred and ninety-three;

"An act concerning certain townships in this state," approved March twenty-third, one thousand eight hundred and eighty-three; an act amendatory thereof, approved March twenty-fifth, one thousand eight hundred and eighty-four;

"An act permitting townships in this state whose times of elections are fixed by special acts, to alter said times of holding their townships elections," approved February twenty-sixth, one thousand eight hundred and seventy-eight;

"An act in relation to townships, the territorial boundaries of which are the same as those of incorporated cities," approved March fifteenth, one thousand eight hundred and seventy-eight;

"An act relative to townships raising money for township purposes," approved April fourth, one thousand eight hundred and seventy-eight;

"An act in relation to assessments in townships and to provide for the payment of judgments recovered on contracts for improvements," approved April fifth, one thousand eight hundred and seventy-eight;

"An act to regulate the construction of sidewalks in the townships of this state," approved April fifth, one thousand

eight hundred and seventy-eight; an act supplemental thereto, approved March third, one thousand eight hundred and eighty-two;

"An act to authorize the construction, curbing and paving of sidewalks and crosswalks in townships," approved May ninth, one thousand eight hundred and eighty-four, and the acts amendatory thereof and supplemental thereto, approved February tenth, one thousand eight hundred and eighty-five, passed April seventh, one thousand eight hundred and ninety; approved April fourteenth, one thousand eight hundred and ninety-one; April sixteenth, one thousand eight hundred and ninety-one; March twenty-ninth, one thousand eight hundred and ninety-two; May twenty-second, one thousand eight hundred and ninety-four; March fourteenth, one thousand eight hundred and ninety-five; March twenty-second, one thousand eight hundred and ninety-five;

"An act to provide for licensing hacks and other vehicles by the township committees of the several townships of this state and for the better government of the same," approved March fifth, one thousand eight hundred and seventy-nine; and the acts supplemental thereto, approved April first, one thousand eight hundred and eighty-seven; passed March fifth, one thousand eight hundred and eighty-eight; approved February twenty-sixth, one thousand eight hundred and eighty-nine;

"An act respecting sewage and drainage," approved March second, one thousand eight hundred and eighty;

"An act to increase the powers of township committees," approved March eleventh, one thousand eight hundred and eighty; and the acts amendatory thereof and supplemental thereto, approved May ninth, one thousand eight hundred and eighty-four; March eighth, one thousand eight hundred and ninety-three; March seventeenth, one thousand eight hundred and ninety-three; February twenty-sixth, one thousand eight hundred and ninety-five; May eleventh, one thousand eight hundred and ninety-seven;

"An act to enable township committees of certain townships to grant licenses," approved March twelfth, one thousand eight hundred and eighty;

"An act to provide for drainage and sewage in densely populated townships in which there is a public water-supply," approved March fourth, one thousand eight hundred and eighty-four, and the act supplemental thereto,

passed April second, one thousand eight hundred and eighty-five; approved March sixteenth, one thousand eight hundred and eighty-six; February eleventh, one thousand eight hundred and eighty-eight; March twenty-first, one thousand eight hundred and eighty-eight; March twenty-fifth, one thousand eight hundred and eighty-nine;

"An act concerning township ordinances," approved April seventeenth, one thousand eight hundred and eighty-four;

"An act to authorize the construction and repairing of sidewalks in townships," approved March twenty-third, one thousand eight hundred and eighty-two;

"An act to provide means for lighting streets in townships," approved April seventeenth, one thousand eight hundred and eighty-five;

"An act to enable townships to create and maintain a sinking fund," approved April twentieth, one thousand eight hundred and eighty-five; and the act amendatory thereof, approved April fourth, one thousand eight hundred and ninety-four;

"An act authorizing the inhabitants of townships to purchase or erect a building for township purposes," approved March first, one thousand eight hundred and eighty-six; and the act supplemental thereto, approved March eighth, one thousand eight hundred and ninety-three;

"An act to provide for sewage and drainage in incorporated townships in which there is a public water-supply," passed April fourteenth, one thousand eight hundred and ninety; and the acts amendatory thereof and supplemental thereto, approved March twenty-fifth, one thousand eight hundred and ninety-one; April seventeenth, one thousand eight hundred and ninety-one; March ninth, one thousand eight hundred ninety-three; May seventeenth, one thousand eight hundred and ninety-four;

"An act to empower township committees to order moneys raised by taxation to pay promissory notes in certain cases," passed April sixth, one thousand eight hundred and eighty-six;

"An act relating to sewers in townships," passed May fourth, one thousand eight hundred and eighty-six;

"An act to authorize the township committees of townships to borrow moneys in anticipation of the collection of taxes," approved March sixth, one thousand eight hundred and eighty-eight;

"An act to authorize the division of townships into street lamp districts, and the erection and maintaining of street lamps in such districts," approved April second, one thousand eight hundred and eighty-eight;

"An act to authorize the township committees of townships to raise money for certain purposes," approved April seventeenth, one thousand eight hundred and eighty-eight;

"An act to authorize the inhabitants of townships to purchase land and erect a building thereon, or to purchase land with a building erected thereon, for the uses of the fire departments of such townships and such other purposes as the township committees may designate," approved April twenty-third, one thousand eight hundred and eighty-eight;

"An act legalizing, ratifying and confirming township elections heretofore held in pursuance of an act entitled 'A further supplement to an act entitled "An act concerning township officers," approved April twenty-first, one thousand eight hundred and seventy-six,' which supplement was approved March thirteenth, anno domini one thousand eight hundred and eighty-eight," approved April second, one thousand eight hundred and ninety;

"An act to provide for drainage and sewerage in townships," approved March twenty-sixth, one thousand eight hundred and ninety;

"An act to authorize incorporated townships to fund obligations incurred for public improvements," approved April seventh, one thousand eight hundred and ninety;

"An act concerning townships," approved March fourth, one thousand eight hundred and ninety-one;

"An act to authorize townships in this state to acquire and improve lands for public parks, and to maintain and regulate the same," approved March twenty-eighth, one thousand eight hundred and ninety two;

"An act in relation to assessments in certain townships," approved March twenty-eighth, one thousand eight hundred and ninety-two;

"An act relating to assessments in townships," approved March twenty-eighth, one thousand eight hundred and ninety-two;

"An act to empower township committees to order money raised by taxation to pay township indebtedness in certain cases," approved April eighth, one thousand eight hundred and ninety-two;

"An act to enable township committees to encourage the use of broad tires on wagons and carts by a rebatement of taxes," approved March sixteenth, one thousand eight hundred and ninety three, and an act amendatory thereof, passed March twenty-fourth, one thousand eight hundred and ninety-six;

"An act in relation to the publication of ordinances in certain townships in this state," approved April thirtieth, one thousand eight hundred and ninety-four;

"An act relating to auditors in townships of this state," approved April thirtieth, one thousand eight hundred and ninety-four;

"An act relative to the establishment of sinking funds and the appointment of commissioners therefor in certain townships in this state," approved April thirtieth, one thousand eight hundred and ninety-four; and the act supplemental thereto, approved March seventeenth, one thousand eight hundred and ninety-six;

"An act to authorize any township of this state to celebrate the centennial anniversary of its existence and empower the township committee of such township to provide the necessary funds therefor," approved April thirtieth, one thousand eight hundred and ninety four;

"An act authorizing township committees of townships in which there may be a water-supply furnished by public or private water-works to raise and pay moneys for the preparation of surveys, plans and estimates for sewerage and drainage," approved May first, one thousand eight hundred and ninety-four;

"An act authorizing the issuance of tax arrearage bonds in townships," approved May ninth, one thousand eight hundred and ninety-four;

"An act to provide for sewerage or drainage or both in townships," approved May ninth, one thousand eight hundred and ninety-four; and the acts amendatory thereof and supplementary thereto, approved April twenty-first, one thousand eight hundred and ninety six; March twenty-fifth, one thousand eight hundred and ninety-eight;

"An act with relation to the regulation of driving upon the public streets and avenues and townships in this state," approved May fifteenth, one thousand eight hundred and ninety-four;

"An act authorizing township committees in the state to provide by ordinance for the appointment of a building inspector, and to define his powers and duties," approved May seventeenth, one thousand eight hundred and ninety-four;

"An act legalizing, ratifying and confirming township elections heretofore held in pursuance of an act entitled 'A further supplement to an act entitled "An act concerning township officers," approved April twenty first, one thousand eight hundred and seventy-six,' which supplement was approved March thirteenth, one thousand eight hundred and eighty-eight," approved May twenty-second, one thousand eight hundred and ninety four;

"An act to provide for the purchase of water works and water-supply plants and the operation of the same, and to provide the money necessary for the purchase thereof in townships of this state," approved February fourteenth, one thousand eight hundred and ninety-five;

"An act respecting certain township officers in townships whereof the territorial limits have been or shall hereafter be changed or altered," approved February eighteenth, one thousand eight hundred and ninety-five;

"An act relating to townships in this state now or hereafter having a population of twelve thousand and five hundred, and within the territorial limits of which there is no incorporated city, town or borough, and providing for certain municipal officers and powers therein," approved March fifth, one thousand eight hundred and ninety-five;

"An act fixing the time for holding elections for township officers and members of the boards of chosen freeholders in certain townships of this state," approved March seventh, one thousand eight hundred and ninety-five;

"An act respecting the townships in this state which have been or may hereafter be divided into wards," approved March seventh, one thousand eight hundred and ninety-five; and the act supplemental thereto, approved April fifteenth, one thousand eight hundred and ninety-five;

"An act to authorize the relaying and repairing of sidewalks in townships of this state and to provide for the assessment and collection of the cost and expenses incurred therein," approved March eighteenth, one thousand eight hundred and ninety-five;

"An act relating to the supply of water for public use in townships of counties of the first class," approved March

twenty-second, one thousand eight hundred and ninety-five; and the act supplemental thereto, approved April fourteenth, one thousand eight hundred and ninety-six;

"An act concerning townships wherein boroughs have been or shall hereafter be incorporated," approved March twenty-second, one thousand eight hundred and ninety five;

"An act to authorize the inhabitants of the several townships of this state to vote by ballot at their town meetings," approved March twenty-second, one thousand eight hundred and sixty; and the acts supplemental thereto, approved March eighth, one thousand eight hundred and sixty-four, and February twelfth, one thousand eight hundred and ninety-five;

"An act to authorize any township of this state now or hereafter having by any federal or state census fifteen thousand inhabitants, to purchase land and erect thereon a suitable building for township purposes," approved March seventeenth, one thousand eight hundred and ninety-six;

"An act relative to the opening, widening, vacating or straightening of streets in certain townships in this state," approved April twenty-first, one thousand eight hundred and ninety six;

"An act relating to certain township officers in certain townships," approved March thirty-first, one thousand eight hundred and ninety-seven;

"An act relating to the powers of boards of excise commissioners in certain townships in this state," approved May eighteenth, one thousand eight hundred and ninety seven;

"An act to support fire organizations in the several townships of this state," approved March twenty-ninth, one thousand eight hundred and seventy-eight, and the act supplemental thereto, approved March fifth, one thousand eight hundred and ninety five;

"An act to authorize the appointment of fire wardens," approved April second, one thousand eight hundred and eighty-four;

"An act to authorize incorporated townships in this state to establish and maintain fire departments for protection of life and property against fire," approved March twenty-eighth, one thousand eight hundred and eighty eight, and the act supplemental thereto, approved March twenty-second, one thousand eight hundred and ninety-five;

"An act to authorize townships to employ police," approved February twentieth, one thousand eight hundred and eighty-three, and the acts supplemental thereto, approved April fourth, one thousand eight hundred and eighty-four, passed February twenty-third, one thousand eight hundred and eighty-six ;

"An act to better regulate and control a day and night police force in certain townships of this state," approved March twenty-third, one thousand eight hundred and eighty-three ;

"An act to authorize police service in townships," approved April fourth, one thousand eight hundred and eighty-four, and the act amendatory thereof, approved April twenty-eighth, one thousand eight hundred and eighty-six ;

"An act to authorize police service in townships," approved April ninth, one thousand eight hundred and eighty-seven ;

"An act to authorize police service in townships," approved March thirty-first, one thousand eight hundred and ninety ;

"A supplement to an act entitled 'An act to authorize police service in townships,' approved March thirty-first, one thousand eight hundred and ninety-one," approved March twenty-eight, one thousand eight hundred and ninety-two ;

"An act respecting townships," approved June thirteenth, one thousand eight hundred and ninety ;

"An act authorizing townships to establish the grade of public roads within their limits," approved March thirty-first, one thousand eight hundred and eighty-two ;

"An act concerning township officers," approved February twentieth, one thousand eight hundred and eighty-three ;

"An act to provide for the extinguishment of forest fires in the third and fourth-class counties of this state and to provide for the payment of the expense thereof," approved March twenty-third, one thousand eight hundred and ninety-two ; and the act supplemental thereto, approved May fourteenth, one thousand eight hundred and ninety-four ;

"An act to fix the time at which the term of office of township officers shall begin in counties of the first class," approved February twenty-fifth, one thousand eight hundred and ninety-five.

97. The following acts are hereby repealed so far as they relate to or affect townships :

"An act to regulate term of office in municipalities," approved March twelfth, one thousand eight hundred and

Repealed as
relating to
townships.

eighty, and the act supplemental thereto, approved March tenth, one thousand eight hundred and eighty-two ;

"An act concerning the salaries of officers in cities and townships of this state," approved April fourteenth, one thousand eight hundred and eighty-four ;

"And act relating to elections and appointments to office hereafter to be made by any board of aldermen, common council, township committee or other municipal board or body," approved March thirty-first, one thousand eight hundred and eighty-five ;

"An act to enable certain municipal corporations of this state to regulate the salaries of certain of its officers," approved April second, one thousand eight hundred and ninety-one ;

"An act respecting the office of treasurer in certain towns, boroughs and townships," approved April fourteenth, one thousand eight hundred and ninety-one ; and the act amendatory thereof, approved April third, one thousand eight hundred and ninety-four ;

"An act authorizing the lighting of public streets and places in cities, towns, townships, boroughs and villages of the state," passed June first, one thousand eight hundred and eighty-six ;

"An act to provide for the planting and care of shade trees on the highways of the municipalities of this state," approved March twenty-eighth, one thousand eight hundred and ninety-three ;

"An act relative to the lighting of streets, roads and public places in this state," approved May first, one thousand eight hundred and ninety-four ;

"An act providing for the changing of the name of any avenue, street or highway in any township or borough of this state," approved May first, one thousand eight hundred and ninety-four ;

"An act to enable township committees or the governing bodies of any boroughs, towns, villages or improvement commissions in towns and villages, or within townships in this state to pass and enforce their ordinances respecting the use of broad tires on wagons and carts upon their macadamized public streets, and to collect the penalty for the violation thereof," approved May first, one thousand eight hundred and ninety-four ;

"An act to empower the town and township committees in counties of the third and second class to enter into a contract for public lighting for a term of years," approved May seventeenth, one thousand eight hundred and ninety-four;

"An act to allow municipalities and improvement commissions other than cities of the first class to issue certificates of indebtedness for street improvements," approved March fourteenth, one thousand eight hundred and ninety five;

"An act to authorize the town committee or other legislative or governing body of any township, borough or borough commission to alter, fix, establish and maintain the grade of any street, road or highway within its jurisdiction and define the grade so established by suitable monuments," approved March twenty-second, one thousand eight hundred and ninety-five;

"An act to allow towns, villages or other municipal corporations to acquire and use lands or real estate in an adjoining township or other municipal corporation for use for the construction of a sewage receptacle or sewage-disposal works," approved April ninth, one thousand eight hundred and ninety-two;

"An act to enable the governing body of any town, village or township to enlarge existing parks," approved May eighth, one thousand eight hundred and ninety-four;

"An act to provide for sewerage in and by adjoining cities, towns and townships," approved April twenty-first, one thousand eight hundred and eighty-seven, and the acts supplemental thereto, approved February twenty-first, one thousand eight hundred and eighty eight; April fourth, one thousand eight hundred and eighty-nine; March twenty-second, one thousand eight hundred and ninety-two;

"An act authorizing towns and townships in certain cases to construct sewers in, over or across the streets of adjoining municipalities," approved March twenty-first, one thousand eight hundred and eighty-eight;

"A supplement to an act entitled 'An act respecting police departments of cities, and regulating the tenure and terms of office of officers and men employed in said departments,' approved March twenty-fifth, one thousand eight hundred and eighty-five," approved April seventh, one thousand eight hundred and ninety-two;

"A supplement to an act entitled 'An act to provide for the assessment and payment of the costs and expense in-

curred in constructing sewers and making other improvements in townships and villages,' approved March twelfth, one thousand eight hundred and seventy eight," approved February nineteenth, one thousand eight hundred and eighty;

"An act to authorize municipal corporations to contract for a supply of water for public uses," approved March fifteenth, one thousand eight hundred and eighty-one, and the act amendatory thereof, approved May ninth, one thousand eight hundred and eighty four; and the act supplemental thereto, approved April seventeenth, one thousand eight hundred and eighty-four;

"An act to authorize municipal corporations to contract for a supply of water for public uses," approved March sixteenth, one thousand eight hundred and eighty-seven;

"An act to authorize any of the municipal corporations of this state to contract for a supply, or a further or other supply of water therefor," approved April second, one thousand eight hundred and eighty-eight;

"An act to enable towns and townships in this state to construct water works for the extinguishment of fires and supplying the inhabitants thereof with pure and wholesome water," approved March ninth, one thousand eight hundred and ninety-three;

"An act authorizing towns and townships which have heretofore voted an appropriation for public buildings to raise the amount of such appropriation by the issue and sale of the bonds of such town or township," approved April twenty-third, one thousand eight hundred and eighty-eight;

"An act authorizing the incorporated cities, towns and townships of this state to renew matured and maturing bonds," approved March eighth, one thousand eight hundred and seventy-seven; and the act supplemental thereto, approved January twenty-ninth, one thousand eight hundred and seventy-nine;

"Supplement to an act entitled 'An act authorizing the incorporated cities, towns and townships of this state to renew matured and maturing bonds,' approved February eighteenth, one thousand eight hundred and seventy-nine," approved April eleventh, one thousand eight hundred and ninety-four;

"An act authorizing the towns and townships of this state to renew matured and maturing bonds," approved April thirtieth, one thousand eight hundred and ninety-four;

"An act respecting licenses in cities, townships, incorporated towns, incorporated boroughs, or police, sanitary, and improvement commissions and incorporated camp meeting associations and seaside resorts," approved March thirty-first, one thousand eight hundred and ninety;

"An act to amend an act entitled 'An act respecting licenses in cities, townships, incorporated towns, incorporated boroughs, or police, sanitary and improvement commissions, and incorporated camp meeting associations and seaside resorts,' approved March thirteenth, one thousand eight hundred and ninety," approved May sixteenth, one thousand eight hundred and ninety-four;

"An act to provide for the division of incorporated towns, townships and boroughs into wards and to regulate representation therein," passed February fifteenth, one thousand eight hundred and eighty-six, and the act supplemental thereto, approved February twelfth, one thousand eight hundred and ninety-five;

"An act providing for the division of certain towns, boroughs, townships and municipal corporations of this state into wards, and fixing the number of members of which the council, committee or governing body thereof shall be composed, and prescribing their terms of office and manner of election," approved March twentieth, one thousand eight hundred and ninety-one;

"An act concerning elections in municipalities in counties of the first class and fixing the time for holding the same," approved February tenth, one thousand eight hundred and ninety-two;

"An act concerning elections in municipalities in certain counties of this state and fixing the time for holding the same," approved March twenty-fourth, one thousand eight hundred and ninety-two;

"An act to enable towns and townships in this state to obtain a supply of water from existing city water-works," approved March ninth, one thousand eight hundred and seventy-seven;

"A supplement to the act entitled 'An act respecting sewage and drainage,' approved March twentieth, one thousand eight hundred and eighty, and to provide for the payment of the cost of sewers heretofore constructed without authority of law, in or by and for towns and townships,"

approved March sixth, one thousand eight hundred and ninety-five ;

"A further supplement to an act entitled 'An act respecting police departments of cities and regulating the tenure and terms of officers and men employed in said departments,' approved March twenty-fifth, one thousand eight hundred and eighty-five," passed March thirty-first, one thousand eight hundred and ninety-seven ;

"An act concerning police in towns, boroughs and townships," approved April eleventh, one thousand eight hundred and eighty-nine ;

"An act authorizing the lighting of public streets and places in the cities, towns, townships, boroughs and villages of the state, and to erect and maintain the proper appliances," approved May twenty second, one thousand eight hundred and ninety-four ;

"An act authorizing and concerning the imprisonment of persons fined for or convicted of violating ordinances in towns or townships where police courts are or may hereafter be established, and who shall refuse or neglect to pay such fines," approved June thirteenth, one thousand eight hundred and ninety-eight ;

"An act to enable municipalities to apply surplus money from the proceeds of water bonds to the purchase of apparatus for suppressing fires," approved March fourteenth, one thousand eight hundred and ninety-eight ;

"An act to establish a fire patrol in villages and townships in this state," approved March fourteenth, one thousand eight hundred and seventy-nine ;

Proviso.

Together with all acts or parts of acts inconsistent herewith ; *provided, however*, that no act or part of an act shall be revived or restored by anything in this or the next preceding section.

Enacting clause.

98. This act shall take effect on the twenty-fifth day of February, in the year one thousand nine hundred.

Approved March 24, 1899.

CHAPTER 170.

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

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

1. The legal voters in each township in this state shall have full power and authority at their respective annual township elections to elect for such township, by a majority of votes, one member of the board of chosen freeholders for the county; every chosen freeholder so elected in any county of the second class shall hold his office for the term of two years, and in any county of the third or fourth class for the term of three years, from and including the second Wednesday of May next ensuing the date of his election, and no longer; *provided, however,* that nothing in this section contained shall shorten the term of any chosen freeholder elected before the date when this act shall take effect, but every such chosen freeholder shall hold his office until the end of the term for which he was elected.

Term of
freeholders.

Proviso.

2. Any vacancy existing in the office of chosen freeholder in any township by reason of resignation, removal, death or other cause, may be filled, but for the unexpired term only, by the township committee.

Vacancy.

3. This act shall not apply to any township in any county of the first class.

Exception.

4. All acts and parts of acts inconsistent with this act are hereby repealed.

Repealer.

Approved March 24, 1899.

CHAPTER 171.

A Further Supplement to the act entitled "An act concerning roads," approved March twenty-seventh, one thousand eight hundred and ninety-four.

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

Surveyors of
highways.

Proviso.

Term.

Oath or
affirmation.

1. The legal voters of each township in this state shall elect at each annual township election for the township two surveyors of the highways; *provided, however,* that in any county having within its limits not more than three townships, the legal voters of each of such townships shall, at each annual election therein, elect three surveyors of the highways; the term of office of surveyors of the highways now in office shall continue until the first day of May next after the expiration of the term for which they were elected or appointed; each surveyor of the highways hereafter elected shall hold office for the term of one year from and including the first day of May next after his election; every vacancy shall be filled by the township committee for the unexpired term only.

2. Every surveyor of the highways shall, between the date of his election and the first day of May next ensuing such election, and in case of his appointment to fill a vacancy then within ten days after such appointment, take, subscribe and file with the county clerk an official oath or affirmation that he will, to the best of his ability and understanding, faithfully, justly and impartially execute the duties of his office; the official oath or affirmation may be taken before the township clerk, who shall take the same without fee, or before any other officer authorized by the laws of this state to administer oaths and affirmations; on his failure to file such oath or affirmation with the county clerk within the time hereinabove limited his office shall be deemed to be vacant.

3. All acts or parts of acts inconsistent herewith are hereby repealed. Repealer.
 Approved March 24, 1899.

CHAPTER 172.

A Further Supplement to an act entitled "An act respecting constables," approved April sixteenth, one thousand eight hundred and forty-six.

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

1. There may be elected at the annual township election of each township as many constables as will equal the number of justices of the peace to which such township is entitled. Number of constables elected.

2. All constables shall hereafter hold office for the term of three years; the term of every constable now in office shall be and hereby is continued to the first day of May next succeeding the term for which he may have heretofore been elected or appointed, and no longer; the term of all constables hereafter elected shall begin on the first day of May next ensuing their election, and no constable shall hold over in his office after the expiration of three years for which he shall have been elected. Term.

3. Every constable shall be required to renew his bond annually, and if he shall neglect or refuse so to do within thirty days after the expiration of each yearly term, his office shall become vacant and such vacancy shall be filled as provided by law. Bond given annually.

4. Any vacancy existing in the office of constable in this state, by reason of resignation, removal, death or other cause, may be filled, but for the unexpired term only, by the board of aldermen, common council, township committee or other governing body of the city, borough, town, township or other municipality within which the vacancy occurs. Vacancies.

5. Every constable elected in any city, town, borough, township or other municipality of this state shall, between Oath.

the date of his election and the first day of May next ensuing his election, and every constable appointed to fill a vacancy shall, within ten days after such appointment, take, subscribe and file with the township clerk an oath or affirmation in the following form, to wit :

Form.

"I, _____, do solemnly and sincerely promise and swear (or affirm), that I will well and truly serve the state of New Jersey in the office of constable for the city (town, borough, township or other municipality, as the case may be), of _____, in the county of _____; that I will honestly and impartially summon, impanel and return good and lawful men for juries, able and sufficient, and not suspected or procured, as is or shall be directed by law; that I will, to the utmost of my power, faithfully and without delay, execute all writs, precepts, process, warrants and executions to me directed, and which shall come to my hands, and truly return the same; that, in the exercise of my office, I will do no wrong to any, but will do right to all, and take none but lawful fees; that I will truly, diligently and honestly, without fraud, deceit, oppression, favor or partiality do, execute and perform all services, acts and duties of my said office to the best of my knowledge, judgment and ability;" on his failure to file such oath or affirmation with the township clerk within the time hereinabove limited his office shall be deemed to be vacant; such oath or affirmation may be taken before the township clerk, who shall take the same without fee, or before any other officer authorized by the laws of this state to administer oaths and affirmations.

Failure to file
oath creates
vacancy.

Repealers.

6. The act entitled "An act relative to the election of constables in townships in this state," approved April sixteenth, one thousand eight hundred and eighty-four is hereby repealed, and the act entitled "An act relative to the election of constables," approved March twelfth, one thousand eight hundred and eighty, and the act supplemental thereto, approved February twenty-fifth, one thousand eight hundred and eighty-four, together with all acts or parts of acts inconsistent herewith, are hereby repealed so far as they relate to or affect townships.

Approved March 24, 1899.

CHAPTER 173.

An Act concerning banks and banking [Revision of 1899].

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

FORMATION AND GENERAL PROVISIONS.

1. Seven or more persons, of full age, may become a banking corporation on the terms and conditions and subject to the liabilities prescribed by this act; the name of every corporation formed under this act shall contain the word "bank" or "banking," but shall not be that of any other existing corporation of this state; *provided, however*, that if such bank shall be incorporated for the purpose of succeeding any other bank, such new bank may assume the name of the bank which it is intended to succeed; the capital stock of any such bank shall not be less than fifty thousand dollars, and shall be divided into shares of one hundred dollars each, all of which shall be paid in in cash before any bank shall be authorized to transact any business other than such as relates to its formation and organization, and such payment shall be certified to the commissioner of banking and insurance under oath by the president and cashier of the bank; no corporation organized under this act shall create more than one class of stock; hereafter no corporation other than a national bank, a trust company or a savings bank, shall be organized for the purpose of carrying on a banking business in the state of New Jersey, except under this act, and no corporation, other than a savings bank, hereafter organized under any other act shall use the word "bank" or "banking" as a part of its name.

Banking corporation formed.

Proviso.

Capital stock.

Who may carry on banking business.

CERTIFICATE OF INCORPORATION.

2. The incorporators and subscribers to the capital stock shall, under their hands and seals, subscribe a certificate of incorporation, which shall specifically state :

Certificate of incorporation filed; to contain certain information.

New Jersey State Library

- I. The name of the bank ;
- II. The place where the business is to be carried on ;
- III. The purposes and objects for which the bank is incorporated ;
- IV. The amount of capital stock, all of which shall be subscribed in the certificate of incorporation ;
- V. The names and residences of the incorporators and the number of shares subscribed by each of them ;
- VI. The period, if any, limited for the duration of the bank ;
- VII. The certificate of incorporation may also contain any provisions not inconsistent with this act which the incorporators may choose to insert for the regulation of the business, for the conduct of the affairs of the bank or for defining, limiting and regulating the powers of the directors; *provided, however*, that no director shall be elected for a longer period than one year.

Proviso.

AUTHENTICATION, RECORD AND FILING OF CERTIFICATE.
COPY EVIDENCE.

Certificate of incorporation acknowledged and recorded in office of county clerk.

Proviso.

Evidence.

3. The certificate of incorporation shall be proved or acknowledged as required for deeds of real estate, and recorded in a book to be kept for that purpose in the office of the clerk of the county where the place of business of the bank is to be established, and after being so recorded shall be filed in the department of banking and insurance; *provided, however*, that before the certificate of incorporation shall be recorded or filed as aforesaid it shall be submitted to the commissioner of banking and insurance, who, if he shall approve the form thereof, and if it shall appear to him that the establishment of such a bank will be of public service, shall endorse thereupon or annex thereto his approval, and such certificate shall not be recorded or filed without his approval indorsed thereupon or annexed thereto; said certificate, or a copy thereof, duly certified by the commissioner of banking and insurance, shall be evidence in all courts and places.

CORPORATE EXISTENCE TO BEGIN ON FILING CERTIFICATE.

Corporate life begins on filing certificate.

4. Upon making the certificate of incorporation and causing the same to be recorded and filed as aforesaid, the

subscribers to the said certificate, their successors and assigns, shall, from the date of such filing, be and constitute a body corporate by the name set forth in the certificate, subject to the provisions of this act, and subject to dissolution as in this act or otherwise by law provided; *provided, however*, that if any bank shall fail to obtain the certificate of authority, as hereinafter provided, from the commissioner of banking and insurance, within one year from the date of the filing of the said certificate of incorporation, such bank shall ipso facto be dissolved, and its certificate of incorporation shall be null and void.

Proviso.

THE COMMISSIONER OF BANKING AND INSURANCE TO ISSUE
CERTIFICATES OF AUTHORITY.

5. Whenever the certificate of incorporation has been recorded and filed, and the payment of capital stock certified to the commissioner of banking and insurance, as provided in this act, the commissioner shall, before the corporation shall be authorized to transact business in this state other than such as relates to its formation and organization, satisfy himself that the entire capital has been paid in, and that said bank has complied with all the provisions of this act required to entitle it to engage in the business of banking; if it shall appear to the said commissioner of banking and insurance that such bank is lawfully entitled to commence the business of banking, he shall, within thirty days after the receipt and filing of the certificate of payment of capital stock provided for in this act, give to such bank a certificate under his hand and seal, that such bank is duly and legally organized under this act as a banking corporation, and authorized to transact business as such in this state; the bank shall cause such certificate of authority of the commissioner of banking and insurance issued pursuant to this act to be published once a week for at least four successive weeks next after the issuing thereof in a newspaper published in the place where said corporation is established, or if there is no newspaper in said place then in one published nearest such place in the same county, and shall furnish such proof of publication as may be required by the commissioner.

Certificate of
authority issued
by commissioner
of banking, and
published.

POWERS.

Powers and
privileges.

6. In addition to the general powers conferred by the "Act concerning corporations" [Revision of 1896], so far as the same are not inconsistent with this act, every bank shall have power to exercise by its board of directors or duly-authorized officers or agents, subject to law, all such powers as shall be necessary to carry on the business of banking by discounting bills, notes and other evidences of debt, by receiving deposits, with or without interest thereon, by buying and selling gold and silver bullion, foreign coin, promissory notes, mortgages and other evidences of debt, and foreign and inland bills of exchange, by loaning money on real and personal security, and by exercising all the usual and incidental powers and privileges belonging or pertaining to such business; any bank may exercise the powers conferred on and carry on the business of a safe deposit company; *provided*, such powers and purposes are enumerated in the certificate of incorporation; every bank may purchase, hold and convey real estate as follows:

Proviso.
As regards
real estate.

First. Such as shall be necessary for the convenient transaction of its business, including with its banking office other apartments to rent as a source of income, which investment shall not exceed twenty-five per centum of its paid-in capital stock and permanent surplus; *provided*, that this provision shall not apply to any investments made before the date when this act takes effect;

Proviso.

Second. Such as is mortgaged to it in good faith by way of security for loans made by or money due to such bank;

Third. Such as is conveyed to it in satisfaction of debts previously contracted in the course of its dealings;

Fourth. Such as it acquires by sale on execution or judgment or decree of any court in its favor; the bank shall not purchase, hold or convey real estate in any other case or for any other purpose whatever; real estate shall be conveyed only by authority of the board of directors of said bank, under the seal of the bank and the hand of its president or vice-president and cashier; no real estate acquired in the cases contemplated in the second, third and fourth subsections above shall be held for a longer time than five years, unless such period shall be extended by the commissioner of banking and insurance; *provided*, that this provision shall

Proviso.

not apply to real estate acquired before the date when this act takes effect.

AMENDMENTS AND CHANGES.

7. Every bank heretofore organized by special charter or under any law of this state or hereafter organized under this act may, subject to the written approval of the commissioner of banking and insurance, **extend** its corporate existence, change its name, increase its capital stock, make such other and further amendment, change or alteration as may be desired, or amend its charter or certificate of incorporation, in manner following: The board of directors shall pass a resolution declaring that such amendment, change or alteration is advisable, and calling a meeting of the stockholders to take action thereon; the meeting shall be held upon such notice as the by-laws provide, and in the absence of such provision, upon ten days' notice in writing, given personally or by mail; if two-thirds in interest of the stockholders shall vote in favor of such amendment, change or alteration, a certificate thereof shall be signed by the president and cashier or secretary under the corporate seal, acknowledged or proved as in the case of deeds of real estate, and such certificate, together with the written assent, in person or by proxy, of two-thirds in interest of such stockholders, shall be filed in the department of banking and insurance, and upon the filing of the same, the charter or certificate of incorporation shall be and be deemed to be amended accordingly; *provided*, that the certificate to be made and filed in pursuance of this section shall contain only such provision as it would be lawful and proper to insert in an original certificate of incorporation made at the time of making such amendment, change or alteration; no change shall be made in the charter or certificate of incorporation of such bank whereby the rights, remedies or security of existing creditors shall be in any manner impaired; said certificate, or a copy thereof, duly certified by the commissioner of banking and insurance, shall be evidence in all courts and places.

Bank may
change name,
etc.

Manner

Proviso.

Certificate as
evidence.

LIST OF STOCKHOLDERS TO BE KEPT AND FILED.

8. The president and cashier of every bank shall at all times cause to be kept a true and accurate list of the names

List of stock-
holders.

of the stockholders of record of such bank, with the amount of the stock held by each, which list shall at all times during business hours be open to the inspection of any stockholder.

DIRECTORS. ANNUAL MEETINGS OF STOCKHOLDERS.
OFFICERS.

- Management. 9. The affairs of every bank shall be managed by a board of not less than five directors, a majority of whom shall at all times be residents of the state of New Jersey, who shall be elected annually by the stockholders at their annual meeting as hereinafter provided, and hold office for one year, and until their successors are elected and have qualified; a majority of the board of directors shall constitute a quorum for the transaction of business; *provided*, that when the number of directors shall exceed nine they may once in six months designate by resolution nine members, any five of whom shall constitute a quorum; the annual meeting of the stockholders shall be held at the principal place of business of the bank on the second Tuesday of January of each year, at an hour to be fixed by the by-laws; notice of such annual meeting shall be published at least ten days before the date of the meeting in a newspaper published in the place where the principal place of business of the bank is located; or if there is no newspaper published at such place, then in one published at the place nearest thereto in the same county; at a meeting of stockholders for the election of directors each share shall entitle the owner to one vote for each director, and the stockholder may vote at any meeting of the corporation by a proxy in writing signed by him; every director must own and hold in his own name not less than five unpledged shares of the capital stock of such bank; any vacancy in the board of directors shall be filled by the remaining members of the board, and the directors so appointed shall hold office until the next election; in case of an increase in the board of directors between the annual elections by the stockholders, the newly created directorships shall not be construed as vacancies to be filled by the board; the directors shall annually choose a president, and one or more vice-presidents from their own number, and shall appoint a cashier and other officers, agents and employees
- Proviso.
- Annual meeting.
- Vacancies.
- Officers.

who shall be chosen in such manner and hold office for such terms as the by-laws may prescribe.

DIRECTORS TO DECLARE DIVIDENDS AND CREATE SURPLUS FUND.

10. After providing for all expenses, interest and taxes accrued or due from said bank, and deducting all losses and bad debts, the board of directors of a bank may declare a dividend of so much of the profits of the bank as they shall judge expedient; all debts past due to any bank, on which interest is past due and unpaid for a period of twelve months, unless the same are well secured, or in process of collection, shall be considered bad debts within the meaning of this section; before any such dividend is declared, not less than one-tenth of the net profits of the bank for the preceding half year, or for such period as is covered by the dividend, shall be carried to a fund to be designated the surplus fund, until such surplus fund shall amount to twenty per centum of its capital stock, and thereafter such surplus fund shall always be at least equal to twenty per centum of the capital stock of such bank, and whenever the same becomes impaired it shall be reimbursed in the manner provided for its accumulation.

Dividends.

Surplus fund.

**DIRECTORS SHALL APPOINT EXAMINING COMMITTEE.
COMMITTEE SHALL REPORT.**

11. The board of directors of each bank shall from time to time appoint from its members an examining committee, who shall examine the condition of the bank at least once every six months or oftener if required by the board; and such committee shall, after each examination, forthwith report to the board, giving in detail all items included in the assets of the bank which they have reason to believe are not of the value at which they appear on the books and records of the bank, and giving the value, in their judgment, of each of such items; and the board shall cause said report to be recorded in the minute-books of the bank.

Report of
examining
committee.

LOANS TO OFFICERS. OVERDRAFTS. PENALTY.

Loans to officers, etc.

Overdrawn accounts by officers, etc., prohibited.

Penalty.

12. No bank shall make any loan to its president, its vice-president, its cashier, or to any of its directors, or any of its clerks, tellers, bookkeepers, agents, servants or other persons in its employ, until the proposition to make such a loan, stating the amount, terms and security, if any, offered therefor, shall have been submitted in writing, by the person desiring the same, to a meeting of the board of directors of such bank, or of the executive committee of such board, if any, and accepted and approved by the vote of a majority of those present constituting a quorum; no bank shall permit its president, its vice president, its cashier, or any of its directors, clerks, tellers, bookkeepers, agents, servants or other persons in its employ to become liable to it by reason of overdrawn account; any president, vice-president, director, cashier, teller, clerk or agent of any bank who knowingly violates this section, or who aids or abets any officer, clerk or agent in any such violation, shall be deemed guilty of a misdemeanor and shall be punished by a fine of not more than one thousand dollars, or by imprisonment for not more than five years, or by both.

REPORTS. PUBLICATION. PENALTY.

Quarterly report to banking department.

Publication.

13. Every bank shall make to the commissioner of banking and insurance not less than four reports during each year, according to the form which may be prescribed by him, verified by the oaths or affirmations of the president or vice-president and cashier of such bank, and attested by the signatures of at least three directors; every such report shall exhibit, in detail and under appropriate heads, the resources and liabilities of the bank at the close of business on any day past specified by the commissioner, and shall be transmitted to the commissioner within ten days after the receipt of a request or requisition therefor from him, and an abstract or summary of every such report in such form as shall be prescribed by the commissioner of banking and insurance shall be published by the bank once in a newspaper published in the place where such bank is established, or, if there is no newspaper in the place, then in one published

nearest such place in the same county; and such proof of publication shall be furnished as may be required by the commissioner; such publication shall be made within two weeks after the filing of such report, the expense thereof to be borne by the bank; the commissioner shall also have power to call for special reports from any bank whenever, in his judgment, the same are necessary to a full and complete knowledge of its condition; every bank which fails to make and transmit any report required under this section shall be subject to a penalty of one hundred dollars for each day after the period herein specified that it delays to make and transmit its report, to be sued for and collected by the commissioner of banking and insurance in the name and for the benefit of the state.

Penalty for failure to report.

**MAKING FALSE STATEMENTS, REPORTS, ENTRIES IN BOOKS
AND EXHIBITING FALSE PAPERS PUNISHABLE.**

14. Every director, officer, agent or clerk of any bank who willfully and knowingly subscribes or makes any false statement of facts, or false entries in the books of such bank, or knowingly subscribes or exhibits any false paper, with the intent to deceive any person authorized to examine as to the condition of such bank, or willfully or knowingly subscribes to or makes any false report, shall be guilty of a high misdemeanor, and punished accordingly.

False statements.

BANK MAY NOT LOAN ON OR PURCHASE ITS SHARES.

15. No bank shall make any loan or discount on the security of the shares of its own capital stock, nor be the purchaser or holder of any such shares unless such security or purchase shall be necessary to prevent loss upon a debt previously contracted in good faith; and the stock so purchased or acquired shall within one year from the time of its purchase be sold or disposed of at public or private sale; *provided*, that nothing in this section contained shall apply to any loan or discount made before the passage of this act.

Loan on, or purchase of, its own stock prohibited.

Proviso.

RATE OF INTEREST. DISCOUNTS.

Interest and
discount.

16. Every bank may demand and receive for loans on real and personal security or for notes, bills, or other evidences of debt discounted or purchased, such rate of interest as may be agreed upon by the parties, not exceeding the lawful rate of interest; and it shall be lawful to receive the interest in advance, according to the ordinary usage of banking institutions.

DEPOSITS OF MINORS, AND TRUST DEPOSITS.

Deposits of or
for minors.

17. When any deposit shall be made by or in the name of any minor, the same shall be held for the exclusive right and benefit of such depositor, and free from the control or lien of all other persons, except creditors of such minor, and shall be paid, together with the dividends and interest thereon, to the person in whose name the deposit shall have been made, and the receipt or acquittance of such minor shall be a valid and sufficient release and discharge for such deposit or any part thereof to the bank.

LIMITATIONS AS TO AMOUNT OF LOANS.

Loans limited.

Proviso.

Proviso.

"Money bor-
rowed" ex-
plained.

18. The total liabilities to any bank of any person or of any company, corporation or firm for money borrowed, including in the liabilities of a company or firm the liabilities of the several members thereof, shall at no time exceed ten per centum of the aggregate amount of the capital stock of such bank actually paid in, and of the permanent surplus fund of such bank; *provided*, that the total liability of any officer or director to such bank shall at no time exceed ten per centum of the aggregate amount of the capital stock of such bank actually paid in, and of the permanent surplus fund of such bank; *provided further, however*, that the provisions of this section shall not be construed to apply to loans made by any bank to any county, city, town, township, borough or municipality of this state; the following shall not be considered as money borrowed within the meaning of this section, namely:

(1) The discount of business or commercial paper made by other parties and actually owned by the person negotiating the same ;

(2) The discount of bills of exchange drawn in good faith against actually existing values ;

(3) The discount of paper based on collateral security other than promissory notes, the actual market value of which shall at all times exceed by at least ten per centum the amount loaned upon the same.

CONTRACTS.

19. Contracts made by any bank, pursuant to authority of the board of directors of such bank, shall be signed by the president, or vice-president and cashier thereof, or such other officer as may be designated by the directors.

Contracts ;
how made.

RESERVE IN CASH AND IN BANKS. RESERVE DEPLETED SHALL BE RESTORED.

20. Every bank shall at all times have on hand in available funds an amount equal at least to fifteen per centum of all its immediate liabilities ; three-fifths of this amount of available funds may consist of balances due to the bank from good, solvent banks or trust companies, and two-fifths of such sum shall be held in reserve in cash on hand ; immediate liabilities shall include all deposits payable on demand made by individuals, firms or corporations, or by banks or trust companies, and all items in the nature of claims payable on demand ; whenever the available funds of any bank shall be below fifteen per centum of its immediate liabilities, such bank shall not make any new loans or discounts otherwise than by discounting or purchasing bills of exchange, payable at sight, nor make any dividends of its profits, until the required proportion between its immediate liabilities and its available funds has been restored.

Reserve ; must
be maintained.

CIRCULATING NOTES.

21. It shall not be lawful for any bank, under the provisions of this act, to issue as money or put in circulation for

No circulating
notes as money.

Exception.

use as money, any bills or notes, and any violation of the provisions of this section shall be deemed a misdemeanor, and, on conviction thereof, the person or persons offending shall be punished accordingly; but this provision shall not apply to any corporation of the state organized under special charter, nor shall it affect or restrict the rights or powers contained in the charter or certificate of incorporation of any existing corporation of this state.

CASHIERS TO GIVE BONDS.

Cashier to furnish bond with sufficient security.

Examined yearly.

Liability for failure to examine.

22. The directors of every bank shall require the cashier appointed by them, before he performs or enters upon any duties as such cashier, to give a bond or bonds, with good and sufficient security, to be approved by the board of directors thereof, in the penal sum of at least twenty thousand dollars, conditioned for the faithful performance of the duties of such cashier, and it shall be the duty of the directors of said bank, as often as once in every year, to pass upon the sufficiency of the said bond or bonds, and if insufficient, to require without delay new and additional bonds and securities to be given; if the directors of said bank shall fail to perform any or all of the requirements of this section they shall be jointly and severally liable to the bank to the extent of any defalcation of or deficiency in the funds of said bank created or caused by said cashier, not in excess of the sum of twenty thousand dollars, the same to be recovered by said bank in any court of competent jurisdiction of this state.

WHEN EXAMINATION OF BANK TO BE MADE.

Bank examination.

23. Every bank shall be subject to the inspection and supervision of the commissioner of banking and insurance, and it shall be the duty of said commissioner, either personally or by some person or persons to be appointed by him, whenever he shall deem it expedient, or at the request of any such bank, to examine any such bank, and it shall be the duty of the officers and employes of such bank to exhibit its books, securities, records and accounts to the person or persons authorized by said commissioner of banking and insurance to conduct the examination, and otherwise to facilitate

the same so far as it may be in their power; the said commissioner of banking and insurance, or any examiner appointed by him, shall have power to examine under oath or affirmation the directors, officers and employes of any such bank relative to its business and affairs, and for that purpose any such examiner shall have power to administer oaths and affirmations.

PROCEEDINGS AGAINST UNSAFE BANKS.

24. Whenever it shall appear to the commissioner of banking and insurance, from any report submitted or examination made under the provisions of this act, that the affairs of any bank are in an unsound condition because of illegal or unsafe investments, or that its liabilities exceed its assets, or that it is transacting business without authority or in violation of law, or that it is unsafe or inexpedient for such bank to continue business, it shall be the duty of the attorney-general, on notice by the commissioner of banking and insurance, to institute such proceedings against the bank as are hereinafter authorized in the case of insolvent banks, or such other proceedings as the nature of the case may require; if from any such examination the commissioner of banking and insurance shall have reason to conclude that any such bank is in an unsound or unsafe condition to do banking business, he may forthwith take possession of such bank's property and business and retain such possession until the termination of the action or proceeding instituted by the attorney-general, or until the appointment of a receiver pursuant to the provisions of this act, and pending such possession by the commissioner of such proceedings by the attorney general, all remedies at law or in equity of any creditor or stockholder against the said bank shall be suspended.

If bank found unsound; proceedings by commissioner of banking and attorney-general.

PROCEEDINGS AGAINST DELINQUENT BANKS.

25. If any bank shall refuse to submit its books, papers and concerns to the inspection of the commissioner of banking and insurance or any examiner appointed by him, or if any director or officer thereof shall refuse to submit to be examined upon oath touching the concerns of such bank,

Upon refusal to submit to inspection; proceedings to be taken.

the commissioner of banking and insurance may report the fact to the attorney general, who may proceed against said bank in the manner hereinafter directed with respect to insolvent banks; if it shall appear to the commissioner of banking and insurance that any bank has violated its charter or any law of this state binding upon it, or is conducting business in an unsafe or unauthorized manner, he shall by an order under his hand and official seal, addressed to such bank, direct a discontinuance of such illegal or unsafe practices, and conformity with the requirements of its charter and safety and security in its transactions; in case such bank shall refuse or neglect to comply with such order, the commissioner may report the facts to the attorney general, who may proceed against the bank in the manner hereinafter directed with respect to insolvent banks.

EXAMINATIONS BY ORDER OF THE COURT OF CHANCERY.

When court of chancery may order examination.

26. Upon the application of creditors or shareholders of any bank whose claims or shares shall amount to one thousand dollars or more, stating facts verified by affidavit, the court of chancery may, in its discretion, order a strict examination to be made by one of the masters of the court, or by any other person or persons, not exceeding three, appointed by it for that purpose, of all of the affairs of such bank for the purpose of ascertaining the safety of its investments and the prudence of its management, and may make such order in respect to the expense of such examination as it may deem proper; and may also make such other order or orders, and direct such further and other proceedings as it may deem necessary and proper for the due protection of the interests of the creditors and stockholders of said bank.

COMMISSION TO INVESTIGATE AND REPORT.

Court of chancery to appoint commissioners to conduct investigation.

27. It shall be the duty of the court of chancery of this state, upon application made to it by a petition by two or more directors, creditors or stockholders of any bank, upon a proper case made by the oath or affirmation of the petition-

ers or others in its behalf, to appoint one or more commissioners with full power to investigate the situation and affairs of the said bank and to report thereon without delay, under oath or affirmation, to the said court of chancery, and it shall be the duty of the officers of the said bank to give the said commissioner or commissioners free access to the offices, vaults, safes, notes, bills, moneys, books, papers and every other place or thing of the said bank under pain of being declared insolvent by the said court of chancery; in case of refusal and after the said commissioner or commissioners shall have made his or their report, as aforesaid, it shall be the duty of the court of chancery, if, in its opinion the interest of the public or of the stockholders requires it, to direct the attorney-general to proceed against such bank in the manner herein directed with respect to insolvent banks.

COMPENSATION OF COMMISSIONERS.

28. The said commissioner or commissioners shall receive such reasonable compensation as the court of chancery may deem just and proper to be paid by or recovered of the said petitioners in case no injunction issues after his or their report is made, but if an injunction shall be issued, then such compensation shall be paid out of the funds or assets of the bank.

Compensation of
commissioners.

INSOLVENT BANKS. REMEDY IN CHANCERY BY INJUNCTION AND APPOINTMENT OF RECEIVER.

29. Whenever any bank shall become insolvent, or shall suspend its ordinary business for want of funds to carry on the same, the attorney-general or any creditor or stockholder may, by petition or bill of complaint setting forth the facts and circumstances of the case, apply to the court of chancery for a writ of injunction and the appointment of a receiver or receivers or trustees, and the court being satisfied, by affidavit or otherwise, of the sufficiency of said application, and of the truth of the allegations contained in the petition or bill, and upon such notice, if any, as the court by order may direct, may proceed in a summary way to hear the affidavits, proofs and allegations which may be offered on

Insolvency.

Application for
injunction and
receiver.

behalf of the parties, and if, upon such inquiry, it shall appear to the court that the bank has become insolvent, and is not about to resume its business in a short time thereafter, with safety to the public and advantage to the stockholder, it may issue an injunction to restrain the bank and its officers and agents from exercising any of its privileges or franchises and from collecting or receiving any debts, or paying out, selling, assigning or transferring any of its estate, moneys, funds, lands, tenements or effects, except to a receiver appointed by the court, until the court shall otherwise order.

COURT MAY APPOINT RECEIVERS. POWERS OF RECEIVERS.

Appointment
of receivers ;
their powers
and duties.

30. The court of chancery, at the time of ordering said injunction, or at any time afterwards may appoint a receiver or receivers or trustees for the creditors and stockholders of the bank, with full power and authority to demand, sue for, collect, receive and take into their possession all the goods and chattels, rights and credits, money and effects, lands and tenements, books, papers, choses in action, bills, notes and property of every description of the bank, and to institute suits at law or in equity for the recovery of any estate, property, damages or demands existing in favor of the bank and in his or their discretion to compound and settle with any debtor or creditor of the bank, or with persons having possession of its property or in any way responsible at law or in equity to the bank at the time of its insolvency or suspension of business, or afterwards, upon such terms and in such manner as he or they shall deem just and beneficial to the bank, and in case of mutual dealings between the bank and any person to allow just set-offs in favor of such person in all cases in which the same ought to be allowed according to law and equity; a debtor who shall have in good faith paid his debt to the bank without notice of its insolvency or suspension of business, shall not be liable therefor, and the receiver or receivers or trustees shall have power to sell, convey and assign all the said estate, rights and interest, and shall hold and dispose of the proceeds thereof under the direction of the court of chancery; the word "receiver," as used in this act, shall be construed to include receivers and trustees appointed as provided in this act.

"Receiver"
defined.

FEES.

31. On filing any certificate or other paper relative to banks in the department of banking and insurance the following fees and taxes shall be paid to the commissioner of banking and insurance for the use of the state: for certificate of incorporation, twenty cents for each thousand dollars of the total amount of the capital stock authorized, but in no case less than twenty-five dollars; for certificate of increase of capital stock, twenty cents for each thousand dollars of the total increase authorized, but in no case less than twenty dollars; for certificate of extension or renewal of corporate existence of any bank, the same as required by this act for the original certificate of incorporation; for certificate of dissolution of bank, change of name, or for amended certificates of incorporation (other than those authorizing increase of capital stock), twenty dollars, and for all certificates not hereby provided for, five dollars; every bank shall also pay to the commissioner of banking and insurance, for the use of the state, for filing the reports required by this act, an annual fee of twenty dollars, and in addition thereto each bank shall defray the expenses incurred by the commissioner in making any examination of its affairs as hereinbefore provided for, and the said commissioner may maintain an action in the name of the state against such bank, for the recovery of such expenses, in any court of competent jurisdiction.

Fees paid.

ANNUAL REPORTS TO LEGISLATURE.

32. The commissioner of banking and insurance shall make annual report to the legislature, which shall embrace a statement of proceedings taken under this act, of new banks organized, and a summary of the reports of every bank.

Annual report.

SURRENDER OF FRANCHISE.

33. Whenever any bank shall determine by its board of directors, with the consent of three-fourths of its stockholders in interest, to discontinue its business and settle its affairs, it shall be lawful for such board of directors to file

Discontinuance
of business.

Surrender of
franchise.

Closing its
concerns.

with the commissioner of banking and insurance of this state a certificate in writing, signed and acknowledged by such stockholders, expressing said consent, and likewise the certificate of said board of directors under the corporate seal, setting forth such intention, and that they thereby surrender to the state their corporate privileges and powers ; and thereupon said corporation shall be deemed and taken to be dissolved, except for the purpose of distributing its assets and otherwise settling its affairs ; but such bank shall, nevertheless, be continued a body corporate for the term of three years after the time of such surrender, for the purpose of prosecuting and defending suits by or against it, and closing its concerns, but not for any other business or purpose whatever ; and the said board of directors shall act as trustees for that purpose, subject to the orders of the court of chancery on application of any creditor or stockholder, and subject to removal or any action by said court.

BANK STOCK, HOW TAXED.

Bank stock ;
how and where
taxed.

34. Every person shall be assessed in the township or ward where he resides for all shares of the stock of any national bank in this state or of any bank organized under the laws of this state owned by him or in his possession or control as trustee, guardian, executor or administrator ; and in case said owner, trustee, guardian, executor or administrator shall be a non-resident of this state, then, and in that case, such bank shall be assessed in the township or ward where said bank has its principal place of business, to the amount of such shares so owned or held by non-residents as aforesaid in the manner now provided by statute in the case of other corporations, and except as aforesaid the property, real and personal, of such banks, shall not be subject to assessment or tax.

APPLICATION OF THIS ACT.

" Bank " defined.

35. The provisions of this act shall be applicable to, and the word " bank," when used in this act, shall be construed to include all corporations, other than trust companies and savings banks, heretofore organized under the laws of this state, whether by special charter or otherwise, and authorized

to carry on the business of banking in the state of New Jersey, and as well, all corporations hereafter organized under this act.

REPEALER. EXISTING BANKS. VESTED RIGHTS NOT
IMPAIRED.

36. The powers and privileges conferred and imposed upon any bank, banking company or domestic corporation authorized to do a banking business, other than a trust company or a savings bank, existing and doing business under the laws of this state, are hereby abridged, enlarged or modified, as each particular case may require, to conform to the provisions of this act and to such amendments as may be made hereto; but nothing in this act shall be construed to affect the legality of investments heretofore made, or of transactions heretofore had, pursuant to any provisions of law in force when such investments were made or such transactions had, and nothing herein contained shall be deemed to impair the rights, privileges and powers of any corporation heretofore organized contained in its charter or certificate of incorporation, and vested rights acquired under the acts hereinafter repealed and actually existing and enjoyed shall not be divested or disturbed, but no special provision relating to taxation or immunity or exemption therefrom contained in any special charter shall be revived or continued by anything in this act; all acts and parts of acts, general and special, inconsistent with this act, are hereby repealed, except so far as herein expressly re-enacted, but this repealer shall not revive any act heretofore repealed; this act shall not be construed to repeal the act entitled "An act in relation to individual or private bankers, and subjecting them to the supervision and control of the department of banking and insurance," approved March twenty-eight, one thousand eight hundred and ninety-five, or any part thereof.

Powers and
privileges to
conform to this
law as needs be.

Vested rights
not impaired.

Repealer.

Exception.

37. This act shall take effect immediately.

Approved March 24, 1899.

CHAPTER 174.

An Act concerning trust companies [Revision of 1899].

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

FORMATION AND GENERAL PROVISIONS.

Trust companies
formed.

Proviso.

Capital stock.

Who may con-
duct trust com-
pany business.

1. Seven or more persons of full age, may become a trust company on the terms and conditions and subject to the liabilities prescribed in this act; the name of every trust company formed under this act shall contain the word "trust," but shall not be that of any other existing corporation of this state; *provided, however*, that if such trust company shall be incorporated for the purpose of succeeding any other trust company, such new trust company may assume the name of the trust company which it is intended to succeed; the capital stock of such trust company hereafter organized shall not be less than one hundred thousand dollars, and shall be divided into shares of one hundred dollars each, all of which shall be paid in in cash before any trust company shall be authorized to transact any other business than such as relates to its formation and organization, and such payment shall be certified to the commissioner of banking and insurance under oath by the president and treasurer or secretary of the trust company; no corporation organized under this act shall create more than one class of stock; hereafter no corporation shall be organized for the purpose of carrying on a trust company business in the state of New Jersey except under this act, and no company hereafter organized under any other act shall use the word "trust" as a part of its name.

CERTIFICATE OF INCORPORATION.

2. The incorporators and subscribers to the capital stock shall, under their hands and seals, subscribe a certificate of incorporation, which shall specifically state:

Certificate of incorporation to state certain facts.

- I. The name of the trust company;
- II. The place where the business is to be carried on;
- III. The purposes and objects of the corporation;
- IV. The amount of capital stock, all of which shall be subscribed in the certificate of incorporation;
- V. The names and residences of the incorporators, and the number of shares subscribed by each of them;
- VI. The period, if any, limited for the duration of the company;
- VII. The certificate of incorporation may also contain any provisions, not inconsistent with this act, which the incorporators may choose to insert for the regulation of the business, for the conduct of the affairs of the company, or for defining, limiting and regulating the powers of the directors; *provided, however*, that no director shall be elected for a longer period than one year.

Proviso.

AUTHENTICATION, RECORD AND FILING OF CERTIFICATE.
COPY EVIDENCE.

3. The certificate of incorporation shall be proved or acknowledged as required for deeds of real estate, and recorded in a book to be kept for that purpose in the office of the clerk of the county where the place of business of such trust company in this state is to be established, and after being so recorded, shall be filed in the department of banking and insurance; *provided, however*, that before the certificate of incorporation shall be recorded or filed as aforesaid it shall be submitted to the commissioner of banking and insurance, who, if he shall approve the form thereof, and if it shall appear to him that the establishment of such trust company will be of public service, shall endorse thereupon or annex thereto his approval, and such certificate shall not be recorded or filed without his approval endorsed thereupon or annexed thereto; said certificate, or a copy thereof duly certified by the commissioner of banking and insurance, shall be evidence in all courts and places.

Certificate of incorporation acknowledged and recorded.

Proviso.

CORPORATE EXISTENCE TO BEGIN ON FILING CERTIFICATE.

Corporate life
begins upon fil-
ing certificate.

Proviso.

4. Upon making the certificate of incorporation and causing the same to be recorded and filed as aforesaid, the subscribers to the said certificate, their successors and assigns shall, from the date of such filing, be and constitute a body corporate by the names set forth in the certificate, subject to the provisions of this act, and subject to dissolution as in this act or otherwise by law provided; *provided, however*, that if any such corporation shall fail to obtain the certificate of authority as hereinafter provided from the commissioner of banking and insurance within one year from the date of the filing of the said certificate of incorporation, such trust company shall ipso facto be dissolved, and its certificate of incorporation shall be null and void.

THE COMMISSIONER OF BANKING AND INSURANCE TO ISSUE
CERTIFICATE OF AUTHORITY.

Certificate of
authority issued
by commissioner
of banking, and
published.

5. Whenever the certificate of incorporation has been recorded and filed, and the payment of capital stock certified to the commissioner of banking and insurance, as provided in this act, the commissioner shall, before the corporation shall be authorized to transact business in this state other than such as relates to its formation and organization, satisfy himself that the entire capital has been paid in, and that said trust company has complied with all the provisions of this act required to entitle it to engage in business; if it shall appear to the said commissioner of banking and insurance that the entire capital has been paid in, and that such trust company is lawfully entitled to commence business, he shall, within thirty days after the receipt and filing of the certificate of payment of capital stock provided for in this act, give to such company a certificate under his hand and seal, that such company is duly and legally organized under this act as a trust company, and authorized to transact business as such in this state; the trust company shall cause such certificate of authority of the commissioner of banking and insurance, issued pursuant to this act, to be published once a week for at least four successive weeks next after the issuing thereof in a newspaper published in the place where said trust com-

pany is established, or, if there is no newspaper in the place, then one published nearest thereto in the same county, and shall furnish such proof of publication as may be required by the commissioner of banking and insurance.

POWERS.

6. In addition to the general powers conferred by the "Act concerning corporations" [Revision of 1896], so far as the same are not inconsistent with this act, every trust company hereafter organized to the extent set forth in its certificate of incorporation, original or amended, and every trust company heretofore created by special charter or organized under any law of this state, whether such powers are set forth in its charter or certificate of incorporation or not, shall have power:

Powers granted.

(1) To act as the fiscal or transfer agent of any state, municipality, body politic or corporation, and in such capacity to receive and disburse money;

(2) To transfer, register and countersign certificates of stock, bonds, or other evidences of indebtedness, and to act as agent of any corporation, foreign or domestic, for any purpose now or hereafter required by statute or otherwise;

(3) To receive deposits of trust moneys, securities and other personal property from any person or corporation, and to loan money on real or personal securities;

(4) To lease, hold, purchase and convey any and all real property necessary for or convenient in the transaction of its business, or which the purposes of the corporation may require, or which it shall acquire in satisfaction or partial satisfaction of debts due the corporation under sales, judgments or mortgages, or in settlement or partial settlement of debts due the corporation by any of its debtors;

(5) To act as trustee under any mortgage or bond issued by any municipality, body politic or corporation, and to accept and execute any other municipal or corporate trust not inconsistent with the laws of this state;

(6) To accept trusts from and execute trusts for married women, in respect to their separate property, and to be their agent in the management of such property, or to transact any business in relation thereto;

(7) To act, under the order or appointment of any court of record, as guardian, receiver or trustee of the estate of any minor, and as depository of any moneys paid into court, whether for the benefit of any such minor or other person, corporation or party;

(8) To take, accept and execute any and all such legal trusts, duties and powers in regard to the holding, management and disposition of any estate, real or personal, and the rents and profits thereof, or the sale thereof, as may be granted or confided to it by any court of record, or by any person, corporation, municipal or other authority, and it shall be accountable to all parties in interest for the faithful discharge of every such trust, duty or power which it may so accept;

(9) To take, accept and execute any and all such trusts and powers of whatever nature or description as may be conferred upon or intrusted or committed to it by any person or persons, or any body politic, corporation or other authority, by grant, assignment, transfer, devise, bequest or otherwise, or which may be intrusted or committed or transferred to it or vested in it by order of any court of record, or any surrogate, and to receive and take and hold any property or estate, real or personal, which may be the subject of any such trust;

(10) To purchase, invest in, and sell stocks, promissory notes, bills of exchange, bonds and mortgages and other securities; and when moneys or securities for moneys are borrowed or received on deposit, or for investment, the bonds or obligations of the company may be given therefor, but it shall have no right to issue bills to circulate as money;

(11) To be appointed and to accept the appointment of assignee or trustee, under any assignment for the benefit of creditors of any debtor, made pursuant to any statute or otherwise;

(12) To act under the order or appointment of the court of chancery or otherwise as receiver or trustee of the estate or property of any person, firm, association or corporation;

(13) To be appointed and to accept the appointment of executor of or trustee under the last will and testament, or administrator with or without the will annexed, of the estate of any deceased person, and to be appointed and to act as the committee of the estates of lunatics, idiots, persons of unsound mind and habitual drunkards;

(14) To exercise the powers conferred on and to carry on the business of a safe deposit company, to examine and guarantee titles to land, to insure the fidelity of persons holding offices or places of trust or responsibility, and to become sole surety in any case where by law two or more sureties are required; *provided*, such powers and purposes are enumerated in the certificate of incorporation; Proviso.

(15) To collect coupons on or interest upon all manner of securities when authorized so to do by the parties depositing the same :

(16) To receive and manage any sinking fund of any corporation, upon such terms as may be agreed upon between said corporation and those dealing with it ;

(17) Generally to execute trusts of every description not inconsistent with the laws of this state or of the United States:

(18) To receive money on deposit to be subject to check or to be repaid in such manner and on such terms, and with or without interest, as may be agreed upon by the depositor and the said trust company.

RESTRICTIONS AND LIMITATIONS.

7. No corporation created under this act shall have power to discount commercial paper; no trust company shall have power to make loans upon bills, notes or other evidences of debt except to a county, city, town, township, borough or municipality of this state, unless the same shall be secured by mortgage upon lands or by other securities, the actual market value of which other securities shall at all times exceed by at least ten per centum the amount loaned upon the same; except under and subject to the provisions of this act, no corporation hereafter organized shall exercise within this state, or be hereafter incorporated for the purpose of exercising therein any of the powers set forth in subdivisions (1), (2), (5), (6), (7), (8), (9), (11), (12), (13), (16) and (17) of the preceding section of this act; no money, property or securities received or held by any trust company in its capacity of assignee, receiver, executor, administrator, guardian or trustee shall be mingled with the investments of the capital stock or other moneys or property belonging to or deposited with such corporation, or shall be liable for

the debts or obligations of such corporation. All other moneys and funds belonging to or deposited with such trust company may be used and invested in accordance with the provisions of this act.

TRUST COMPANY NOT TO BE REQUIRED TO GIVE SECURITY
EXCEPT AS PROVIDED BY THIS ACT.

Giving security.

8. No trust company of this state authorized to act as assignee, receiver, administrator, guardian or trustee, shall be required by any officer or court of this state to give security upon appointment to or acceptance of any office or trust which it is by law authorized to execute, except as hereinafter provided.

COMPANY MUST SET APART FUND AND DEPOSIT SECURITIES BEFORE APPOINTMENT AS ASSIGNEE, ETC.

Funds set apart
and securities
deposited before
appointment as
assignee, etc.

9. No such corporation shall be appointed to act as assignee, receiver, administrator, guardian or trustee by any surrogate or court of this state until it shall have created and set apart a fund or funds specially devoted to securing its liabilities in such capacities of trust and confidence, and shall have deposited with the register of the prerogative court securities which shall represent the said funds, and shall before its appointment to any office, present to the court or officer making such appointment, a statement under oath of its president, secretary, or trust officer that the fund aforesaid has been set apart according to law, and that the above-mentioned deposit has been duly made, and that the liabilities of such corporation for which the fund aforesaid is specially responsible, as hereinafter provided (including all funds and securities of such trust about to come to it under the appointment then in contemplation), do not exceed five times the value of such specially created and deposited fund, unless said fund shall amount to or exceed one hundred thousand dollars, in which case the affidavit shall be that the liabilities aforesaid do not exceed ten times the value of such specifically created and deposited fund, and, except as provided in the next succeeding section of this act, such fund then so created, set apart and deposited, shall not

Exception.

be subject or applicable to any other debts or liabilities of the corporation or association until those to the discharge whereof it is devoted shall have been satisfied, or cease to exist; *provided*, that nothing herein contained shall require the deposit of any such fund when the trust company appointed gives security in the manner prescribed by law in such behalf for natural persons, or in cases where the trust company shall have been appointed as executor or trustee by any will or deed. Proviso.

AMENDMENTS AND CHANGES.

10. Every trust company heretofore organized by special charter or under any law of this state or hereafter organized under this act may, subject to the written approval of the commissioner of banking and insurance, extend its corporate existence, change its name, increase its capital stock, make such other and further amendment, change or alteration as may be desired, or amend its charter or certificate of incorporation in manner following: The board of directors shall pass a resolution declaring that such amendment, change or alteration is advisable, and calling a meeting of the stockholders to take action thereon; the meeting shall be held upon such notice as the by-laws provide, and, in the absence of such provision, upon ten days' notice in writing, given personally or by mail; if two-thirds in interest of the stockholders shall vote in favor of such amendment, change or alteration, a certificate thereof shall be signed by the president and secretary, under the corporate seal, acknowledged or proved as in the case of deeds of real estate, and such certificate, together with the written assent, in person or by proxy, of two-thirds in interest of such stockholders, shall be filed in the department of banking and insurance, and, upon the filing of the same, the charter or certificate of incorporation shall be and be deemed to be amended accordingly; *provided*, that the certificate to be made and filed in pursuance of this section shall contain only such provision as it would be lawful and proper to insert in an original certificate of incorporation, made at the time of making such amendment, change or alteration; no change shall be made in the charter or certificate of incorporation of such trust company whereby the rights, remedies or security of existing creditors Change name,
etc.

Manner of
change.

Proviso.

Certificate as
evidence.

shall be in any manner impaired ; said certificate, or a copy thereof, duly certified by the commissioner of banking and insurance, shall be evidence in all courts and places.

LIST OF STOCKHOLDERS TO BE KEPT AND FILED.

List of
stockholders.

11. The president and secretary of every trust company shall at all times cause to be kept a true and accurate list of the names of the stockholders of record of such corporation, with the amount of the stock held by each, which list shall at all times during business hours be open to the inspection of any stockholder.

DIRECTORS. ANNUAL MEETING OF STOCKHOLDERS. OFFICERS.

Management.

Proviso.

Annual meeting.

Officers.

12. The affairs of every trust company shall be managed by a board of not less than five directors, who shall be elected annually by the stockholders at their annual meeting as hereinafter provided ; a majority of the board of directors shall constitute a quorum for the transaction of business ; *provided*, that when the number of directors shall exceed nine they may once in six months designate by resolution nine members, any five of whom shall constitute a quorum ; the annual meeting of the stockholders shall be held at the principal place of business of the trust company on the second Tuesday of January of each year, at an hour to be fixed by the by-laws ; notice of such annual meeting shall be published at least ten days before the date of the meeting in a newspaper published in the place where the principal place of business of the trust company is located ; or if there is no newspaper published at such place, then in one published at the place nearest thereto in the same county ; at all meetings of stockholders for the election of directors, each share shall entitle the owner to one vote for each director, and a stockholder may vote at any meeting of the corporation by a proxy in writing signed by him ; every director must own and hold in his own name not less than five unpledged shares of the capital stock of such trust company ; the directors shall annually choose a president, and one or more vice presidents from their own number, and shall appoint a secretary,

a treasurer and other officers, agents and employes who shall be chosen in such manner and hold office for such terms as the by laws may prescribe.

DIRECTORS TO DECLARE DIVIDENDS AND CREATE SURPLUS FUND.

13. After providing for all expenses, interest and taxes Dividends.
accrued or due from said trust company, and deducting all losses and bad debts, the board of directors of a trust company may declare a dividend of so much of the profits of the company as they shall judge expedient; all debts past due to any trust company on which interest is past due and unpaid for a period of twelve months, unless the same are well secured or in process of collection, shall be considered bad debts within the meaning of this section; before any such dividend is declared not less than one-tenth of the net profits of the trust company for the preceding half year, or for such period as is covered by the dividend, shall be carried to a fund to be designated the surplus fund, until such Surplus fund.
surplus fund shall amount to twenty per centum of its capital stock, and thereafter such surplus fund shall always be equal to at least twenty per centum of the capital stock of such trust company, and whenever the same becomes impaired it shall be reimbursed in the manner provided for its accumulation.

DIRECTORS SHALL APPOINT EXAMINING COMMITTEE. COMMITTEE SHALL REPORT.

14. The board of directors of each trust company shall from time to time appoint from its members an examining committee, whose duties shall be to examine the condition of the company at least once every six months, or oftener if required by the board; and such committee shall after each examination forthwith report to the board giving in detail all items included in the assets of the trust company which they have reason to believe are not of the value at which they appear on the books and records of the company, and giving the value in their judgment of each of such items; and the board shall cause said report to be recorded in the minute books of the company. Examining committee; its report.

LOANS TO OFFICERS. OVER-DRAFTS. PENALTY.

Loans to
officers, etc.

15. No trust company shall make any loan to its president, vice president, treasurer, secretary, cashier or to any of its directors or any of its clerks, tellers, bookkeepers, agents, servants or other persons in its employ until the proposition to make such loan, stating the amount, terms and security, if any, offered therefor, shall have been submitted in writing by the person desiring the same to a meeting of the board of directors of such company, or of the executive committee of such board, if any, and accepted and approved by the vote of a majority of those present constituting a quorum; no such corporation shall permit its president, its vice president, its secretary, treasurer or cashier, or any of its directors, clerks, tellers, bookkeepers, agents, servants or other persons in its employ to become liable to it by reason of overdrawn account; any president, vice president, director, secretary, treasurer, cashier, teller, clerk or agent of any such corporation who knowingly violates this section, or who aids or abets any officer, clerk or agent in any such violation, shall be guilty of a misdemeanor and punished accordingly.

Accounts
overdrawn by
officers, etc.,
prohibited.

Penalty.

REPORTS, PUBLICATION, PENALTY.

Semi-annual
report to bank-
ing department.

16. Every such company shall make to the commissioner of banking and insurance not less than two reports during each year, according to the form which may be prescribed by him, verified by the oaths or affirmations of the president or vice-president and treasurer or secretary of such corporation, and attested by the signatures of at least three directors; every such report shall exhibit in detail and under appropriate heads the resources and liabilities of the corporation at the close of business on any day past specified by the commissioner, and shall be transmitted to him within twenty days after the receipt of a request or requisition therefor by him, and an abstract or summary of every such report in such form as shall be prescribed by the commissioner of banking and insurance shall be published by the trust company once in a newspaper published in the place where such trust company is established; or if there is no newspaper in the place then in one published nearest

Publication.

such place in the same county; and such proof of publication shall be furnished as may be required by the commissioner; such publication shall be made within two weeks after the filing of such report, the expense thereof to be borne by such trust company; the commissioner shall also have power to call for special reports from any trust company whenever in his judgment the same are necessary to a full and complete knowledge of its condition; every trust company which fails to make and transmit any report required under this section shall be subject to a penalty of one hundred dollars for each day after the period herein specified that it delays to make and transmit its report, to be sued for and collected by the commissioner of banking and insurance in the name and for the benefit of the state.

Penalty for failure to report.

**MAKING FALSE STATEMENTS, REPORTS, ENTRIES IN BOOKS,
AND EXHIBITING FALSE PAPERS PUNISHABLE.**

17. Every director, officer, agent or clerk of any trust company who wilfully and knowingly subscribes or makes any false statement of facts, or false entries in the books of such trust company, or knowingly subscribes or exhibits any false paper, with intent to deceive any person authorized to examine as to the condition of such trust company, or wilfully or knowingly subscribes to or makes any false report, shall be guilty of a high misdemeanor and punished accordingly.

False statements.

**TRUST COMPANY MAY NOT LOAN ON OR PURCHASE
ITS SHARES.**

18. No trust company shall make any loan on the security of the shares of its own capital stock, nor be the purchaser or holder of any such shares unless such security or purchase shall be necessary to prevent loss upon a debt previously contracted in good faith; and stock so purchased or acquired shall within one year from the time of its purchase be sold or disposed of at public or private sale; *provided*, that nothing in this section contained shall apply to any loan made before the passage of this act.

No loan on or purchase of its own stock.

Proviso.

DEPOSITS OF MINORS.

Deposits of
or for minors.

19. When any deposit shall be made by or in the name of any minor, the same shall be held for the exclusive right and benefit of such depositor, and free from the control or lien of all other persons, except creditors of such minor, and shall be paid, together with the dividends and interest thereon, to the person in whose name the deposit shall have been made, and the receipt or acquittance of such minor shall be a valid and sufficient release and discharge for such deposit, or any part thereof, to the trust company.

RESERVE IN CASH AND IN BANKS. RESERVE DEPLETED
SHALL BE RESTORED.

Reserve ;
amount and
maintenance.

20. Every trust company receiving deposits of money subject to check or payable on demand shall at all times have on hand in available funds an amount equal to at least fifteen per centum of all its immediate demand liabilities; four-fifths of this amount of available funds may consist of balances due to the company from good, solvent banks or trust companies, and one-fifth of such sum shall be held in reserve in cash on hand; immediate liabilities shall include all deposits payable on demand made by individuals, firms or corporations, or by banks or trust companies, and all items in the nature of claims payable on demand; whenever the available funds of any trust company shall be below fifteen per centum of its immediate liabilities, such trust company shall not make any new loans otherwise than by purchasing bills of exchange payable at sight, nor make any dividends of its profits until the required proportion between its immediate liabilities and its available funds has been restored.

WHEN EXAMINATION OF TRUST COMPANY TO BE MADE.

Examination of
trust companies.

21. Every trust company shall be subject to the inspection and supervision of the commissioner of banking and insurance, and it shall be the duty of said commissioner, either personally or by some person or persons to be appointed by

him whenever he shall deem it expedient, or at the request of any such trust company, to examine any such trust company, and it shall be the duty of the officers and employes of such trust company to exhibit its books, securities, records and accounts to the person or persons authorized by said commissioner of banking and insurance to conduct the examination, and otherwise to facilitate the same so far as it may be in their power; the said commissioner of banking and insurance, or any examiner appointed by him, shall have power to examine under oath or affirmation the directors, officers and employes of any such trust company relative to its business and affairs, and for that purpose any such examiner shall have power to administer oaths and affirmations.

PROCEEDINGS AGAINST UNSAFE TRUST COMPANIES.

22. Whenever it shall appear to the commissioner of banking and insurance, from any report submitted or examination made under the provisions of this act, that the affairs of any trust company are in an unsound condition because of illegal or unsafe investments, or that its liabilities exceed its assets, or that it is transacting business without authority or in violation of law, or that it is unsafe or inexpedient for such trust company to continue business, it shall be the duty of the attorney-general, on notice by the commissioner of banking and insurance, to institute such proceedings against the trust company as are hereinafter authorized in the case of insolvent trust companies, or such other proceedings as the nature of the case may require; if from any such examination the commissioner of banking and insurance shall have reason to conclude that any such trust company is in an unsound or unsafe condition, he may forthwith take possession of such trust company's property and business and retain such possession until the termination of the action or proceeding instituted by the attorney-general, or until the appointment of a receiver pursuant to the provisions of this act, and pending such possession by the commissioner or such proceedings by the attorney-general, all the remedies at law or in equity of any creditor or stockholder against the said trust company shall be suspended.

Proceedings
when trust
companies are
found unsound.

PROCEEDINGS AGAINST DELINQUENT TRUST COMPANIES.

Refusal to
submit to in-
spection; pro-
ceedings taken.

23. If any trust company shall refuse to submit its books, papers and concerns to the inspection of the commissioner of banking and insurance, or any examiner appointed by him, or if any director or officer thereof shall refuse to submit to be examined upon oath touching the concerns of such trust company, the commissioner of banking and insurance may report the fact to the attorney-general, who may proceed against said trust company in the manner hereinafter directed with respect to insolvent trust companies; if it shall appear to the commissioner of banking and insurance that any trust company has violated its charter or any law of this state binding upon it, or is conducting business in an unsafe or unauthorized manner, he shall by an order under his hand and official seal, addressed to such trust company, direct a discontinuance of such illegal or unsafe practices, and conformity with the requirements of its charter and safety and security in its transactions; in case such trust company shall refuse or neglect to comply with such order, the commissioner may report the facts to the attorney-general, who may proceed against the trust company in the manner hereinafter directed with respect to insolvent trust companies.

INSOLVENT TRUST COMPANIES. REMEDY IN CHANCERY BY INJUNCTION AND APPOINTMENT OF RECEIVER.

Insolvency.

Application for
injunction and
receiver.

24. Whenever any trust company shall become insolvent, or shall suspend its ordinary business for want of funds to carry on the same, the attorney-general or any creditor or stockholder may, by petition or bill of complaint setting forth the facts and circumstances of the case, apply to the court of chancery for a writ of injunction and the appointment of a receiver or receivers or trustees, and the court being satisfied by affidavit or otherwise of the sufficiency of said application, and of the truth of the allegations contained in the petition or bill, and upon such notice, if any, as the court by order may direct, may proceed in a summary way to hear the affidavits, proofs and allegations which may be offered on behalf of the parties, and if upon such inquiry it shall appear to the court that the trust company has become

insolvent and is not about to resume its business in a short time thereafter with safety to the public and advantage to the stockholders, it may issue an injunction to restrain such trust company and its officers and agents from exercising any of its privileges or franchises and from collecting or receiving any debts or paying out, selling, assigning or transferring any of its estate, moneys, funds, lands, tenements or effects, except to a receiver appointed by the court, until the court shall otherwise order.

COURT MAY APPOINT RECEIVERS. POWERS OF RECEIVERS.

25. The court of chancery, at the time of ordering said injunction, or at any time afterwards, may appoint a receiver or receivers, or trustees for the creditors and stockholders of the trust company, with full power and authority to demand, sue for, collect, receive and take into their possession, all the goods and chattels, rights and credits, moneys and effects, lands and tenements, books, papers, choses in action, bills, notes and property of every description of the corporation, and to institute suits at law or in equity for the recovery of any estate, property, damages or demands existing in favor of the corporation, and in his or their discretion to compound and settle with any debtor or creditor of the corporation, or with persons having possession of its property or in any way responsible at law or in equity to the corporation at the time of its insolvency or suspension of business, or afterwards, upon such terms and in such manner as he or they shall deem just and beneficial to the corporation, and in case of mutual dealings between the corporation and any person to allow just set-offs in favor of such person in all cases in which the same ought to be allowed according to law and equity; a debtor who shall have in good faith paid his debt to the corporation without notice of its insolvency or suspension of business, shall not be liable therefor, and the receiver or receivers or trustees shall have power to sell, convey and assign all the said estate, rights and interests, and shall hold and dispose of the proceeds thereof under the direction of the court of chancery; the word "receiver," as used in this act, shall be construed to include receivers and trustees appointed as provided in this act.

Appointment of receiver by court of chancery; powers and duties.

"Receiver" defined.

FEES.

Fees paid.

26. On filing any certificate or other paper relative to trust companies in the department of banking and insurance, the following fees and taxes shall be paid to the commissioner of banking and insurance for the use of the state: for certificate of incorporation, twenty cents for each thousand dollars of the total amount of the capital stock authorized, but in no case less than twenty-five dollars; for certificate of increase of capital stock, twenty cents for each thousand dollars of the total increase authorized, but in no case less than twenty dollars; for certificate of extension or renewal of corporate existence of any trust company, the same as required by this act for the original certificate of incorporation; for certificate of dissolution of company, change of name, or for amended certificates of incorporation (other than those authorizing increase of capital stock), twenty dollars, and for all certificates not hereby provided for, five dollars; every trust company shall also pay to the commissioner of banking and insurance, for the use of the state, an annual fee of twenty dollars for filing the reports required by this act, and in addition thereto each trust company shall defray the expenses incurred by the commissioner of banking and insurance in making any examination into its affairs as hereinbefore provided for; and the said commissioner may maintain an action in the name of the state against such trust company for the recovery of such expenses in any court of competent jurisdiction.

ANNUAL REPORTS TO THE LEGISLATURE.

Annual report.

27. The commissioner of banking and insurance shall make annual report to the legislature, which shall embrace a statement of proceedings taken under this act, of new companies organized, and a summary of the reports of every trust company.

SURRENDER OF FRANCHISE HOW MADE.

Discontinuance
of business.

28. Whenever any trust company shall determine by its board of directors, with the consent of three-fourths of its

stockholders in interest, to discontinue its business and settle its affairs, it shall be lawful for such board of directors to file with the commissioner of banking and insurance of this state a certificate in writing, signed and acknowledged by such stockholders, expressing said consent, and likewise the certificate of said board of directors under the corporate seal, setting forth such intention, and that they thereby surrender to the state their corporate privileges and powers; and thereupon said corporation shall be deemed and taken to be dissolved, except for the purpose of distributing its assets and otherwise settling its affairs, but such trust company shall, nevertheless, be continued a body corporate for the term of three years after the time of such surrender for the purpose of prosecuting and defending suits by or against it, and closing its concerns, but not for any other business or purpose whatever; and the said board of directors shall act as trustees for that purpose, subject to the orders of the court of chancery, on application of any creditor or stockholder, and to removal or any action by said court.

Surrender
franchise.

Closing its
concerns.

TAXATION.

29. Every trust company incorporated under any law of this state shall be taxed in the taxing district where its office is situated upon the amount of its capital stock issued and outstanding, except that any real estate belonging to any such corporation shall be taxed in the taxing district where such real estate is situated, and the amount of assessment upon said real estate may be deducted from the amount of any assessment made upon the capital stock of the company as herein provided for; the capital stock, property and franchise of any such corporation shall be exempt from taxation in this state, except as hereinabove provided for.

Taxes; amount
and where laid.

APPLICATION OF THIS ACT. REPEALER.

30. The provisions of this act shall be applicable to, and the words "trust company," when used in this act, shall be construed to include all trust companies and all safe deposit and trust companies heretofore organized under the laws of this state, whether by special charter or under general act or

"Trust com-
pany" defined.

Vested rights
unimpaired.

otherwise, and as well all corporations hereafter organized under this act; but nothing in this act shall repeal, impair or destroy the rights, powers and privileges heretofore conferred upon any trust company or upon any safe deposit and trust company heretofore incorporated and now doing business under any special charter or general law of this state; and nothing in this act shall be construed to affect the legality of investments heretofore made, or of transactions heretofore had, pursuant to any provisions of law in force when such investments were made or transactions had, or to impair the rights, privileges, objects or powers of any corporation as contained in its charter or certificate of incorporation, and vested rights acquired under the acts hereinafter repealed and actually existing and enjoyed shall not be divested or disturbed, but no special provision relating to taxation or immunity or exemption therefrom contained in any special charter shall be revived or continued by anything in this act.

Repealer.

31. All acts and parts of acts, general and special, inconsistent with this act are hereby repealed, except so far as herein expressly re-enacted, but this repealer shall not revive any act heretofore repealed.

32. This act shall take effect immediately.

Approved March 24, 1899.

CHAPTER 175.

An Act concerning safe deposit companies [Revision of 1899].

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

FORMATION AND GENERAL PROVISIONS.

Safe deposit
companies
formed.

1. Five or more citizens of this state of full age may become a safe deposit company on the terms and conditions and subject to the liabilities prescribed in this act; the name of

every such corporation formed under this act shall contain the words "safe deposit" but shall not be that of any other existing corporation of this state; the stock of any such safe deposit company shall be not less than twenty-five thousand dollars, divided into shares of one hundred dollars each, and the full amount of capital shall be paid in in cash before any safe deposit company shall be authorized to transact business other than such as relates to its formation and organization, and such payment shall be certified to the commissioner of banking and insurance under oath by the president and secretary or other officer of the safe deposit company; no corporation organized under the act shall create more than one class of stock; hereafter no corporation shall be organized for the purpose of carrying on a safe deposit business in the state of New Jersey except under this act, and no corporation hereafter organized under any other act shall use the words "safe deposit" as a part of its name; excepting always from these provisions corporations organized under "An act concerning banks and banking" [Revision of 1899], or under "An act concerning trust companies" [Revision of 1899]; nothing herein contained shall be deemed to impair the rights, privileges and powers of any corporation as contained in its charter or certificate of incorporation and vested rights shall not be divested or disturbed.

Capital stock.

CERTIFICATE OF INCORPORATION.

2. The incorporators and subscribers to the capital stock shall, under their hands and seals, execute a certificate of incorporation, which shall specifically state:
- I. The name of the safe deposit company;
 - II. The place where the business is to be carried on;
 - III. The purposes and objects of the corporation;
 - IV. The amount of the capital stock, all of which shall be subscribed in the certificate of incorporation;
 - V. The names and residences of the incorporators, and the number of shares subscribed by each of them;
 - VI. The period, if any, limited for the duration of the company;
 - VII. The certificate of incorporation may also contain any provisions, not inconsistent with this act, which the incorporators may choose to insert for the regulation of the

Certificate of incorporation to state certain facts.

business, for the conduct of the affairs of the company, or for defining, limiting and regulating the powers of the directors; *provided, however*, that no director shall be elected for a period longer than one year.

Proviso.

AUTHENTICATION AND RECORD OF CERTIFICATE. COPY
EVIDENCE.

3. The certificate of incorporation shall be proved or acknowledged as required for deeds of real estate, and recorded in a book to be kept for that purpose in the office of the clerk of the county where the principal office of the safe deposit company in this state shall be established, and after being so recorded, shall be filed in the department of banking and insurance; said certificate or a copy thereof, duly certified by the commissioner of banking and insurance, shall be evidence in all courts and places.

Certificate acknowledged and recorded.

Evidence.

POWERS.

4. In addition to the general powers conferred by the "Act concerning corporations" [Revision of 1896], so far as the same are not inconsistent with this act, every safe deposit company shall have power to take and receive upon deposit, as bailee, for safe keeping and storage, jewelry, plate, money, specie, bullion, stocks, bonds, securities, valuable papers of any kind, and any other personal property; to guarantee their safety, upon such terms and for such compensation as may be agreed upon by the company and the bailors; and to let out vaults, safes and other receptacles for the uses and purposes aforesaid; no such safe deposit company shall make any loans or advances upon any property left with it for storage or safe-keeping; no safe deposit company shall have the power to transact the business of a bank or trust company.

Powers and privileges.

DIRECTORS.

5. The affairs of every safe deposit company shall be managed by a board of not less than five directors, a

Management.

majority of whom shall at all times be residents of the state of New Jersey, who shall be elected by the stockholders and hold office for one year and until their successors are elected and have qualified; a majority of the board of directors shall constitute a quorum for the transaction of business; *provided*, that when the number of directors shall exceed nine they may once in six months designate by resolution nine members, any five of whom shall constitute a quorum; at a meeting of stockholders for the election of directors, each share shall entitle the owner to one vote for each director, and a stockholder may vote at any meeting of the corporation by a proxy in writing signed by him. Proviso.

RESTRICTION AS TO FOREIGN CORPORATIONS.

6. No foreign corporation shall transact a safe deposit business in this state. Restriction.

REMEDY FOR NON-PAYMENT OF RENT FOR SAFE.

7. If the amount due for the use of any safe or box in the vaults of any such corporation shall not have been paid for three years, it may, at the expiration thereof, cause to be sent to the person in whose name such safe or box stands on its books, a notice in writing in a securely-closed postpaid registered letter, directed to such person at his post-office address as recorded upon the books of the corporation, notifying such person that if the amount then due for the use of such safe or box is not paid within sixty days from the date of such notice, the corporation will then cause such safe or box to be opened in the presence of its president or secretary or treasurer, and of a notary public not an officer or in the employ of the corporation, and the contents thereof, if any, to be sealed up by such notary public in a package upon which such notary public shall distinctly mark the name and address of the person in whose name such safe or box stands upon the books of the corporation, and the estimated value thereof; and the package so sealed and addressed, when marked for identification by such notary public, will be placed by such notary public in one of the general safes or boxes of the corporation; upon the expira- Non-payment of rent for box or safe; proceedings to be taken.

tion of sixty days from the date of mailing such notice as aforesaid, and the failure of the person in whose name such safe or box stands on the books of the corporation, to pay the amount due for the use thereof in full up to the date of such notice, the corporation may, in the presence of a notary public and of its president or secretary or treasurer, cause such safe or box to be opened, and the contents thereof, if any, to be removed and sealed up by such notary public in a package upon which such notary public shall distinctly mark the name of the person in whose name such safe or box and its estimated value stood, on the books of the corporation, and when such package has been marked for identification by such notary public, it shall, in the presence of the president or secretary or treasurer of the corporation, be placed by such notary public in one of the general safes or boxes of the corporation, and the proceedings of such notary public shall be fully set out by him in his own proper handwriting and under his official seal in a book to be kept by the corporation for that purpose.

FEEES.

Fees paid.

8. On filing any certificate or other paper relative to safe deposit companies in the department of banking and insurance, the following fees and taxes shall be paid to the commissioner of banking and insurance for the use of the state: for certificate of incorporation, twenty cents for each thousand dollars of the total amount of the capital stock authorized, but in no case less than twenty-five dollars; for certificate of increase of capital stock, twenty cents for each thousand dollars of the total increase authorized, but in no case less than twenty dollars; for certificate of extension or renewal of corporate existence of any safe deposit company, the same as required by this act for the original certificate of incorporation; for certificate of dissolution of company, change of name, or for amended certificates of incorporation (other than those authorizing increase of capital stock), twenty dollars, and for all certificates not hereby provided for, five dollars.

9. This act shall take effect immediately.

Approved March 24, 1899.

CHAPTER 176.

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

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

1. Section three of the act to which this is a supplement is hereby amended so as to read as follows :

Section
amended.

3. No corporation created or to be created under the provisions of this act shall, by any implication or construction, be deemed to possess the power of carrying on the business of discounting bills, notes or other evidences of debt, or of receiving deposits of money, of buying gold or silver bullion or foreign coins, or of buying and selling bills of exchange, or of issuing bills, notes or other evidences of debt, upon loan or for circulation as money.

Banking powers
not implied.

2. Section six of the act to which this is a supplement is hereby amended so as to read as follows :

Section
amended.

6. Upon executing, recording and filing a certificate pursuant to all the provisions of this act three or more persons may become a corporation for any lawful purpose or purposes whatever other than a savings bank, a building and loan association, an insurance company, a surety company, a railroad company, a telegraph company, a telephone company, a canal company, a turnpike company or other company which shall need to possess the right of taking and condemning lands in this state, or other than a corporation provided for by "An act concerning banks and banking" [Revision of 1899], or by "An act concerning trust companies" [Revision of 1899], or by "An act concerning safe deposit companies" [Revision of 1899]; it shall, however, be lawful to form a company hereunder for the purpose of constructing, maintaining and operating railroads, telephone or telegraph lines outside of this state.

Formation
of business
corporations.

Exceptions.

Companies to
operate outside
the state.

Repealer.

3. All acts and parts of acts inconsistent with this act are hereby repealed, and this act shall take effect immediately.
Approved March 24, 1899.

CHAPTER 177.

An Act to repeal sundry acts relating to banks, banking, safe deposit and trust companies.

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

Repealers.

1. The act entitled "An act to authorize and regulate the business of banking," approved April ninth, one thousand eight hundred and seventy-five, and all acts amendatory thereof and supplemental thereto are hereby repealed.

Repealer.

2. The act entitled "An act giving stockholders of any bank or banking institution in this state one vote for each share of stock held," approved March twenty-fourth, one thousand eight hundred and ninety-two, is hereby repealed.

Repealer.

3. The act entitled "An act to facilitate the giving of security on official and other bonds," approved April fourth, one thousand eight hundred and eighty-four, is hereby repealed.

Repealers.

4. The act entitled "An act for the incorporation of safe deposit and trust companies," approved April twentieth, one thousand eight hundred and eighty-five, and all acts amendatory thereof and supplemental thereto are hereby repealed.

Repealer.

5. The act entitled "An act relative to banking, guarantee, safe deposit and indemnity corporations," approved May seventh, one thousand eight hundred and eighty-nine, is hereby repealed.

Repealer.

6. The act entitled "An act concerning bailments," approved March first, one thousand eight hundred and ninety-three, is hereby repealed.

Repealer.

7. The act entitled "An act relative to safe deposit and trust companies," approved June tenth, one thousand eight hundred and ninety, is hereby repealed.

8. Nothing herein shall impair or annul any vested rights, privileges or powers heretofore obtained and used under authority of said acts or any of them, and all corporations which have heretofore availed themselves of the provisions of said acts may continue to enjoy the rights and advantages which they now enjoy and exercise by virtue thereof; this act shall not revive any act heretofore repealed.

Rights, privileges formerly obtained to continue.

Repealed acts not revived.

9. This act shall take effect immediately.

Approved March 24, 1899.

CHAPTER 178.

An Act to amend an act entitled "A supplement to an act entitled 'An act to establish a system of public instruction'" [Revision], approved March twenty-seventh, one thousand eight hundred and seventy-four, which supplement was passed March eleventh, one thousand eight hundred and ninety-six.

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

1. The first section of the supplement to which this act is an amendment is hereby amended to read as follows:

Section amended.

1. There shall be constituted a board of trustees of the fund hereinafter mentioned that shall be known as "the board of trustees of the teachers' retirement fund," which board shall be composed of such members as the legislature shall from time to time prescribe; and, until changed by law, said board shall consist of the state superintendent of public instruction, three members of the state board of education chosen by that body, and three members of the New Jersey state teachers' association, upon whom this act has become binding by its terms; said last-named three members shall be selected at the annual meeting of the New Jersey state teachers' association, by those members of said association eligible to election hereunder; the term of office of the members so chosen by the state board of education shall be co-extensive with their respective terms as members

Trustees of teachers' retirement fund; how composed, term, etc.

of such state board of education, and the terms of office of those members elected by the members of the New Jersey state teachers' association hereinabove designated shall be for three years and until their successors are elected. except that those first elected shall be for one, two and three years respectively, and thereafter one member shall be elected annually; *provided, however,* that until the next annual meeting of the New Jersey state teachers' association to be held after the passage of this act, the three members of said association to be selected as members of said state board of trustees shall be appointed, in writing, by the president of said New Jersey state teachers' association.

Proviso.

Section
amended.

Organization
of trustees.

Charge of fund.

2. The second section of the supplement to which this act is an amendment is hereby amended to read as follows:

2. Said board of trustees shall, within ten days after the passage of this act, organize by electing one of its members president and one secretary, who shall hold office, respectively, until the next annual meeting of the board, and until their successors are elected; the annual meeting for the election of officers shall be held on the second Monday of September; said board shall administer the fund hereinafter mentioned and order all payments therefrom, according to the provisions of this act; such portion of said fund as the board of trustees may, from time to time, determine upon may be invested either on bond and mortgage upon real estate situate within this state, worth at least double the amount loaned thereon, or in any bonds of this state, or bonds of any of the counties or school districts of this state, or in any of the bonds of any city or other municipality of this state whose aggregate bonded indebtedness does not exceed fifteen per centum of the amount of its taxable ratables; all moneys invested in any of the securities mentioned in this section shall be deemed to be a part of the permanent principal of said fund, and the income arising from said moneys so invested, together with all moneys received as percentages of the salaries of teachers, and all moneys received by donation, legacy, gift, bequest, devise or otherwise, and which are not specifically directed to be made a part of the permanent principal of said fund, shall be available for the payment of annuities and the expenses connected with the management of said fund; all moneys received in payment of principal of bonds or other securities held by said fund shall be re-invested and remain a part of said

principal; said board shall report annually to the state board of education, at its meeting in October, the condition of said fund, and the receipts and disbursements on account of the same, together with a list of the beneficiaries of said fund, and the amount paid to each of said beneficiaries; the fiscal year of said fund shall begin on the first day of July and end on the thirtieth day of June, and the report herein provided shall be for such fiscal year.

Annual report.

3. There shall be a new section to be known as section three, and which shall read as follows:

Section amended.

3. The treasurer of this state shall be ex-officio treasurer of the fund hereinafter mentioned; he shall receive all moneys payable into said fund, and shall pay out the same only on warrants or orders of the board of trustees of said fund, which orders shall be signed by the president and secretary of said board, and all warrants or orders, when so signed, shall be full authority for and the acquittance of said treasurer for all payments from said fund; said treasurer shall give receipts for all moneys received by him for said fund; shall keep full and correct accounts of the financial transactions connected with the said fund in proper books for that purpose; and shall make an annual report to the board of trustees, at its meeting in September, of the receipts and disbursements and other financial transactions connected with said fund.

Treasurer: duties, etc.

4. The third section of the supplement to which this act is an amendment shall be known as section four, and is amended to read as follows:

Section amended.

4. Whenever any teacher shall have taught in the public schools of this state, or in any normal or reformatory school of this state, or in any other school of this state supported either wholly or partially by public moneys raised under the authority of any law of this state, for a period or periods aggregating twenty years or more, and shall have become incapacitated from performing the duties of a teacher, such teacher shall, at his or her request, and on the approval of the aforesaid board of trustees, be retired as a teacher, and shall thereafter receive an annuity out of the fund hereinafter mentioned equal to one-half of the average annual salary received by such teacher for the five years immediately preceding the time of retirement; *provided, however*, that no annuity shall be less than two hundred and fifty nor more than six hundred dollars; *and provided further*, that no

Annuity.

Proviso.

Proviso.

teacher shall be retired under the provisions of this act unless he or she shall have first paid into said fund such sum as shall make his or her total payments into said fund equal, at least, to twenty per centum of his or her average annual salary for the five years immediately preceding the time of such retirement; the decision of the board of trustees of said fund upon any application for such annuity shall conclusively determine the right of the applicant thereto; and the payment of any such annuity shall be suspended whenever it shall appear to said board, upon sufficient proof, that the annuitant is able to earn and has the opportunity of earning a sufficient livelihood, but may be resumed whenever said board shall deem it proper so to do.

New section.

5. There shall be a new section to be known as section five, and which shall read as follows:

Payment of annuities.

5. All annuities payable under the provisions of this act shall be paid in quarterly installments on the last day of September, December, March and June, and all annuities granted in accordance with the provisions contained in section four of this act shall date from the first day of the quarter next succeeding the dates of the granting of such annuities; but if the funds available for the payment of any installment shall not be sufficient to pay the aggregate for annuities payable under this act in any quarter, such annuities shall abate pro rata.

Section amended.

6. The fourth section of the supplement to which this act is an amendment shall be known as section six, and is hereby amended to read as follows:

When one-half paid in may be returned.

6. Any teacher upon whom this act has become binding by its terms, who shall have contributed to the fund herein-after mentioned for five years or more, and who shall resign his or her position as teacher, or be otherwise honorably retired from such position, except as hereinbefore provided, shall, upon application within three months after the date of such resignation or retirement, be entitled to receive and shall receive one-half of the total amount paid by him or her into said fund, without interest.

Section amended.

7. The fifth section of the supplement to which this act is an amendment shall be known as section seven, and is hereby amended to read as follows:

Retirement fund; how provided.

7. The retirement fund herein provided for shall be made up as follows:

(1) One per centum of the monthly salaries of all teachers upon whom this act has become binding by its terms, the said one per centum to be reserved or deducted from each warrant or order for salary given to such teachers by the board of education or other officers as are by law required to give such warrants or orders to such teachers; and the said board of education or other officers shall, between the first and tenth days of each and every calendar month draw their warrants for the amount so reserved and deducted during the preceding calendar month in favor of the township collector, city treasurer, or other custodian of the school moneys of the district or school in which such teachers are employed, and the said township collector, city treasurer or other custodian shall, immediately upon the receipt of such warrant or order, forward to the state treasurer the amount of money named in such warrant or order, together with a list of the names of the said teachers;

(2) One per centum of all annuities paid under this act, which shall be deducted and withheld from each payment made to any annuitant;

(3) All moneys and property received by donation, legacy, gift, bequest, devise or otherwise for or on account of said fund;

(4) All interests on investments and other moneys which may be duly and legally raised for the increase of said fund.

8. The sixth section of the supplement to which this act is an amendment shall be known as section eight, and is hereby amended to read as follows:

Section
amended.

8. Said board of trustees shall have power, first, to subpoena witnesses and compel their attendance to testify before it in all matters relating to the operation of this act, and any member of said board may administer oaths or affirmations to such witnesses; second, to fix the salary of the secretary of said board, and to make rules, not inconsistent with the constitution or laws of the United States or of this state, for their own government and for carrying out the provisions of this act; third, to draw their warrants or orders upon the state treasurer for the payment out of said fund of all annuities and necessary expenses incurred in carrying out the provisions of this act, but the members of said board, excepting the secretary, shall serve without compensation, but said members shall be paid the necessary expenses incurred by them as members of said board, which

Powers of board.

expenses shall be paid in the same manner as other payments are made from said fund; fourth, by the name of "the board of trustees of the teachers' retirement fund," to sue and be sued, complain and defend in any court of law or equity, and fifth, to have, hold, purchase, sell, assign and transfer any of the securities in which any part of the said retirement fund may be invested.

Upon whom
binding.

9. This act shall be binding upon (one) any teacher employed at the time of the passage of this act in any of the schools hereinabove mentioned, only in case he or she shall sign and deliver to the board of education, board of trustees, or other body by whom he or she is employed, a notice in substantially the following form:

Form of
agreement.

To the board of education (or board of trustees, commission of public instruction, or as the case may be), of _____:

You are hereby notified that I desire to avail myself of the provisions of the act of the legislature entitled "A supplement to an act entitled 'An act to establish a system of public instruction'" [Revision], approved March twenty-seventh, one thousand eight hundred and seventy four, which supplement was passed on the eleventh day of March, in the year one thousand eight hundred and ninety-six, and all acts supplementary thereto or amendatory thereof, and that I hereby agree to be bound thereby;

Dated _____;

A duplicate of said notice shall be sent by the teacher signing the same to the secretary of the board of trustees of the teachers' retirement fund.

Who may have
advantage of
this act.

10. Any teacher who has heretofore signed and delivered the notice prescribed by the ninth section of the supplement of which this act is an amendment, shall become bound by the provisions of this act, and have its advantages and privileges without signing or delivering any other notice, and shall be deemed to have accepted the provisions of this act by receiving any sum of money as salary from which there shall have been made a deduction under and by virtue of the provisions of the seventh section of this act; and any person who is not now a teacher in any of the schools hereinabove mentioned may become bound by the provisions of this act, and have its advantages and privileges, by signing and delivering such notice as is prescribed by the ninth section of this act to the board of education, board of trustees,

or other body by whom he or she is employed, within one year after the date of such appointment.

11. Any teacher who has become bound by the provisions of this act as provided in section nine and ten, and who ceases to teach in the district or school in which he or she was teaching at the time of signing and delivering the notice as provided in section nine, and who is employed as a teacher in any other district or school, shall immediately give written notice to the board of education, or other body having control of the school in which he or she is teaching, that he or she is a member of the teachers' retirement fund, and said notice shall direct that one per centum of his or her salary be deducted and forwarded to the state treasurer; such teacher shall send one copy of said notice, with his or her address, to the secretary of the board of trustees of the teachers' retirement fund, and another copy of said notice to the state treasurer.

Change of
school.

12. The provisions of this act shall extend to and include any principal or supervising principal who shall teach or be employed in the public schools of this state, or in any normal, model or reformatory school of this state, or in any other school of this state supported either wholly or partially by public moneys raised under the authority of any law of this state.

Who included
in this act.

13. The legislature hereby reserves the right at any time to alter, amend, modify or repeal this act.

Reservation.

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

Repealer.

15. This act shall take effect immediately.

Approved March 24, 1899.

CHAPTER 179.

An Act respecting the improvement of county roads in cities.

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

1. When any county road, whether constructed under the provisions of a road board act, or by virtue of authority conferred upon any board of chosen freeholders or otherwise,

Improvement of
county road
lying within a
municipality.

Agreement
between free-
holders and
municipality.

lies partly within the territory of a city, township or other municipal corporation, and when in the judgment of the governing body of such municipal corporation, or of the board in such municipal corporation having control over the streets therein, and authorized by law to grade, pave and otherwise improve said streets, it shall be proper to improve so much of such county road as lies within the territory of such municipal corporation by grading or changing the grade of such road, and by regulating or changing the width of the sidewalks thereon, and by setting curbing, and by paving the roadway from curb to curb, or any part thereof, with any form or kind of street pavement; and when the board of chosen freeholders of the county in which such county road lies shall by resolution concur in such judgment of the proper authorities of such municipal corporation, then it shall be lawful for such governing body or board in such municipal corporation, and for such board of chosen freeholders to enter into an agreement to determine what part or portion of the expense of making any such improvement shall be paid by and through each of the parties to such agreement; after the execution of such agreement it shall be lawful for the said governing body or board in such municipal corporation to proceed to make such improvement in the same manner in which similar public works are undertaken, contracted for and executed with respect to other streets in such municipal corporation, and on completion thereof the board of chosen freeholders shall pay the part or portion of the expense assigned to such board of chosen freeholders in the said agreement, and the remainder of said expense of such improvement shall be paid, assessed and collected in the same manner as the expense of other street improvements in such municipal corporation.

2. This act shall take effect immediately.

Approved March 24, 1899.

CHAPTER 180.

An Act authorizing the New Jersey board of fish and game commissioners to issue certificates to properly accredited persons permitting them to collect birds and their nests and eggs for strictly scientific purposes.

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

1. A certificate may be granted by the New Jersey board of fish and game commissioners to any properly accredited person of the age of eighteen years or upward, permitting the holder thereof to collect birds and their nests and eggs for strictly scientific purposes only.

Permission to collect birds and eggs.

2. To obtain such certificate, the applicant for the same must present to the board of fish and game commissioners written testimonials from two scientific men, certifying to the good character and fitness of said applicant to be intrusted with such privilege; must pay to said board one dollar, to defray the necessary expense attending the granting of such certificate; and must file with said board a properly executed bond in the sum of two hundred dollars, signed by two property holders of the state; this bond shall be forfeited to the state, and the certificate shall become void, upon proof that the holder thereof has killed any bird, or taken the nests and eggs of any bird for other than the purpose named, and the holder shall be fined in accordance with the state game law.

Certificate; how obtained, etc.

3. The certificates authorized by this act shall be in force one year from the date of their issue, but may be renewed at the discretion of the board, upon written application by the holder thereof; the certificates shall not be transferable.

In force; renewal.

4. This act shall take effect immediately.

Passed March 24, 1899.

CHAPTER 181.

An Act to prevent the importation of tuberculous cattle into the state of New Jersey.

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

Importation of
certain cattle
prohibited.

1. The importation of dairy cows and neat cattle for breeding purposes into the state of New Jersey is hereby prohibited, excepting when such cows and neat cattle are accompanied by a certificate from an inspector whose competency and reliability are certified to by the authorities charged with the control of the diseases of domestic animals in the state from whence such cattle came, certifying that they have been examined and subjected to the tuberculin test and are free from disease.

Common carriers
forbidden to
bring in cattle
without cer-
tificate.

2. All railroad, steamboat, ferryboat and other carrying companies are forbidden to receive cows and breeding cattle in any other state for transportation to any destination within the state of New Jersey, unless such cattle are accompanied by the required certificate, as set forth in section one of this act; and all persons importing cows into the state of New Jersey shall without delay and before disposing of such animals notify the secretary of the state tuberculosis commission, giving date of importation and number of cattle imported and their destination within the state with the certificate of inspection of the state official within the state from whence they came; *provided*, that when it is desired to import such cattle from states not provided with persons with authority to issue such certificates, the secretary of the state tuberculosis commission may issue a permit for the admission of such cattle to be subjected to examination as provided for in section three.

Proviso.

Examination
when above re-
quirements are
not fulfilled.

3. In case cows or breeding cattle shall have been imported into the state without the required certificate and permit provided for in section one of this act, or on the permit of the secretary of the state tuberculosis commission as provided for in section two of this act, it shall be the duty of the

state tuberculosis commission to cause all such animals to be examined to detect the presence of tuberculosis and may cause them to be subjected to the tuberculin test, and to see that all such animals giving indications of tuberculosis are slaughtered; no indemnity shall be paid by the state to the owner or owners of any tuberculous cattle that have been brought into the state without a certificate of having successfully stood the tuberculin test, after November first, one thousand eight hundred and ninety-nine.

4. Any person or persons violating this act shall be guilty of a misdemeanor and, on conviction thereof, shall be punished by a fine of not less than twenty-five dollars nor more than two hundred dollars for every such offense, or by an imprisonment for not less than one month nor more than six months or by both such fine and imprisonment, and for a second offense by an imprisonment of not less than six months and not more than one year. Penalty for violation.

5. The sum of five hundred dollars, or so much thereof as may be necessary, is hereby appropriated to the state tuberculosis commission for the enforcement of the provisions of this act, provided said amount is included in the annual appropriation bill, and the state tuberculosis commission is hereby empowered to enforce the provisions of this act, and to make such rules and regulations as may be necessary and proper for its enforcement. Appropriation.
Proviso.

6. This act shall take effect November first, one thousand eight hundred and ninety-nine. Enacting clause.

Approved March 24, 1899.

CHAPTER 182.

An Act for winding up voluntary associations and associations with partnership liabilities.

WHEREAS, Many associations have been and are carrying on business with partnership liabilities, where the membership is so large and secret that actions at law cannot be safely brought against them, and when becoming insolvent the remedy at law is so uncertain and hazardous as to amount to a failure of justice for want of an adequate remedy; therefore, Preamble.

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

Voluntary business associations becoming insolvent, application for injunction and receiver.

Manner of procedure.

Statement filed in chancery.

Order by chancellor.

Return day; hearing.

1. Whenever any voluntary association now or heretofore carrying on business with partnership liabilities, are or shall become insolvent, or have suspended or shall suspend its ordinary business for want of funds to carry on the same, it shall and may be lawful for any creditor or member of such association to apply by petition or bill to the chancellor, setting forth the fact and circumstances of the case, for a writ of injunction and the appointment of a receiver or receivers or trustees for the winding up of the business and payment of the debts of such association; whereupon the chancellor being satisfied of the sufficiency of said application and also of the truth of the facts and allegations contained in said petition or bill by affidavit or otherwise, he may proceed in the manner provided for winding up insolvent corporations in the act entitled "An act concerning corporations" (Revision), approved April seventh, one thousand eight hundred and seventy-five, and the supplements thereto, so far as they are applicable.

2. Upon the filing of such petition or bill as above provided process of subpœna shall issue directed to the trustees or managers of such association as in other cases, who are hereby required and made their duty on penalty of being proceeded against as for contempt, to file with the clerk of the court of chancery a duly verified statement containing the names of all the members of such association, with their several places of residence, within ten days from the return day mentioned in such subpœna.

3. After the filing of such list the chancellor, upon application of the petitioner or complainant, shall make an order for all such members named in such list to show cause on a certain day therein named, not less than thirty nor more than sixty days thereafter, why the prayer of the petitioner or complainant should not be granted, which order shall state the object or purpose of the petition or bill, and a copy thereof, which need not be certified, shall be served by the petitioner or complainant upon each member of said association, either personally or by leaving such copy at his usual place of abode with some person resident there, over the age of fourteen years, and within ten days from the date thereof.

4. Upon the return day of such order or rule to show cause, any member or members desiring to contest the facts

set forth in such petition or bill shall file his, her or their answer thereto, and proceed to a hearing as in other causes in said court; and that upon due proof being made of the service of said order in conformity with this act upon such members of said association as shall not appear and file their answer to the said petition or bill, a decree pro confesso may be entered against them as in other causes, unless the chancellor shall, on good cause shown, grant further time in which to answer.

5. The receiver or receivers or other officer appointed in such cause shall give such notice as the chancellor may direct to the creditors of such association, requiring them to file with him any claim they may have against such association, within such time as the chancellor may direct, or be barred from all relief under such proceeding for winding it up; and the receiver shall, within ten days from the time so limited in said order for presenting claims, make his report to the chancellor of all claims filed, and their several amounts claimed, and also of the assets of said association, which shall be open for inspection and exception by any member of such association for ten days, when, if no exception is filed thereto, the same shall stand as reported; and in case of exception thereto, the chancellor may hear and determine the same, or direct that suit be commenced forthwith in an action at law on such claim against the receiver, which the exceptant shall be at liberty to contest, in the receiver's name, and in case of failure shall pay the costs thereof.

Notice to
creditors.

Report to
chancellor.

If exception
taken.

6. If it shall appear by the report filed by the receiver that the assets of the association are insufficient to pay its debts and the expenses attending the winding up of the same, the chancellor may assess against each member thereof a sum to be paid by him or her to the receiver in liquidation of such indebtedness; and in making the same he shall have power to inquire into the solvency or ability of the members to pay such assessment, in order to assess sufficient moneys to pay all the claims; and on failure to assess sufficient at one time, he may assess enough from time to time until sufficient moneys are raised to satisfy all claims.

Members
assessed for
insufficiency
of assets.

7. Such receiver is hereby authorized and empowered to maintain in his name as receiver, suit or suits in any of the courts of this state having jurisdiction thereof, against any member of said association, for the collection of the amount

Power of
receiver.

so assessed against him; and in case more money shall be realized than shall be sufficient for the purposes aforesaid, so that on final settlement of the receiver's account moneys shall appear in his hands unexpended, the same shall be repaid pro rata to those who shall have contributed the same.

Association
dissolved.

8. Upon the settlement of the receiver's accounts and the payment of the debts of such association, the same shall be dissolved.

Application
of this act.

9. This act shall apply to all associations whose debts are unpaid and whose business is unsettled, and shall take effect immediately.

Passed March 24, 1899.

CHAPTER 183.

An Act defining the duties of superintendents of schools in cities of the first class, and limiting their compensation.

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

Duties and
salary of
superintendent.

1. Superintendents of schools in cities of the first class shall have such powers and perform such duties as may be imposed and prescribed by the boards of education in such cities, and shall receive as compensation such sum not exceeding forty-five hundred dollars per annum, as the board of education in any such city shall fix.

Repealer.

2. All acts and parts of acts, whether general or special, inconsistent with the provisions of this act, are hereby repealed.

3. This act shall take effect immediately.

Approved March 24, 1899.

CHAPTER 184.

An Act to enable cities of the second class to make street improvements without first requiring the property-owners along the line of said improvements to do such work.

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

1. In all cases where any street or avenue is ordered to be graded or paved, or when sidewalks are ordered to be made in any city of the second class in this state, it shall be lawful for the board of aldermen, council or other legislative body in such city to cause such street or avenue to be graded or paved, and to lay sidewalks and set curbstones and gutters by contract, to be awarded to the lowest responsible bidder without first requiring the property owners along the line of such improvement or improvements to do said work at their own expense.

Certain street improvements without requiring property-owners to do same.

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

Repealer.

Approved March 24, 1899.

CHAPTER 185.

An Act to amend an act entitled "An act to create a commission to inquire into the expediency of consolidating the various municipalities in the county of Hudson, in the state of New Jersey," approved April first, one thousand eight hundred and ninety eight.

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

1. Section one of the act entitled "An act to create a commission to inquire into the expediency of consolidating

Section amended.

the various municipalities of the county of Hudson, in the state of New Jersey," approved April first, one thousand eight hundred and ninety-eight, be amended so that the same shall read as follows :

Commission to
consider expedi-
ency of consoli-
dating various
municipalities.

Report.

Vacancies.

Notifications.

1. The governor shall appoint thirteen persons, who with one person to be designated by each of the following-named authorities of the several municipalities of the county of Hudson, namely, the mayor of Jersey City, the mayor of Hoboken, the mayor of Bayonne, the councilman-at-large of West Hoboken, the chairman of the town committee of Harrison, the councilman-at-large of the town of Kearny, the chairman of the township committee of Weehawken, the chairman of the township committee of Guttenberg, the councilman-at-large of the town of Union, the councilman-at-large of the town of West New York, the chairman of the township committee of the township of North Bergen, the mayor of the borough of East Newark, shall be commissioners to inquire into the expediency of consolidating the various municipalities in the county of Hudson, in the state of New Jersey, and to report from time to time their conclusions thereon to the legislature, with such recommendations as they may deem proper for adoption, and their reasons therefor; any vacancies occurring in the number of commissioners appointed by the governor, whether by failure to accept such appointment or otherwise, shall be filled by the governor, and vacancies occurring among those otherwise appointed, whether by failure to accept or otherwise, shall be filled by the authority by whom the original appointment was made; the governor shall, as soon as convenient after the approval of this act, notify the mayor or other chief officer of each of the municipalities in this act mentioned of the approval of this act; and should the mayor or other chief officer of any such municipality fail to designate a person as provided in this act within thirty days after the receipt of notice from the governor as aforesaid, then the governor shall designate a person to act as commissioner on behalf of such municipality.

2. This act shall take effect immediately.

Approved March 24, 1899.

CHAPTER 186.

An Act relating to boards of education in cities of the first class of this state and defining their powers.

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

1. Hereafter boards of education in cities of the first class shall have power and authority, by the vote of a majority of its members, to appoint its secretaries or clerk for said board, prescribe their duties, determine their compensation and fix their term of office, not to exceed five years, and by a like vote may remove them during their term for cause.

Secretary of
school board;
term, salary.

2. This act shall take effect immediately.

Passed March 24, 1899.

CHAPTER 187.

A Further Supplement to an act entitled "An act concerning elections in villages," approved March twenty-second, one thousand eight hundred and eighty-two, and providing for the appointment of a village treasurer and a village clerk.

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

1. It shall and may be optional with the governing body of any village in this state to appoint members of its own body, or any resident and voter in said village other than members of such governing body, as village treasurer and village clerk.

Appointment of
treasurer and
clerk.

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

Repealer.

Approved March 24, 1899.

New Jersey State Library

CHAPTER 188.

An Act to enable adjoining cities in this state to construct a bridge or viaduct for the purpose of more convenient access between such cities.

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

Adjoining cities
may be con-
nected by
viaduct.

1. Whenever in this state the boundary line of any two cities adjoining each other is defined and marked by a precipitate hill or cliff so that travel by reason thereof between such cities is difficult to the public in the judgment of the common council, board of aldermen or other governing body of each such cities, and when it shall appear by reason thereof to such governing body of each of said cities that it will be conducive to the public good and convenience to construct or cause to be constructed a bridge or viaduct between such cities, it shall and may be lawful for the common council, board of aldermen or other governing body of such cities to provide by ordinances for the erection and construction of such bridge or viaduct between such cities at a cost not to exceed fifty thousand dollars, to be borne and paid equally by the said cities.

Cost.

Commissioners.

2. For the purpose aforesaid the common council, board of aldermen or other governing body of such cities shall include in the said ordinances the names of two commissioners for each of such cities, both of whom shall be residents and freeholders of their respective cities; that said commissioners, after the approval of the said ordinances by the mayors of such cities in conformity with the provisions of the charter of such cities, shall meet as soon as practicable and organize by the election of one of their number as president, one as secretary and one as treasurer, and shall thereafter employ a competent surveyor and engineer, who shall draw maps, plans and specifications for the construction of the said bridge or viaduct; which maps, plans and specifications shall be approved by said commissioners, and a copy

Employ
engineer.

thereof, if satisfactory, shall be filed by them in the office of the clerks of the respective cities.

3. The said commissioners, before entering upon the performance of their duties, shall give bonds in the usual form to the city by which they are appointed in the sum of twenty thousand dollars, with freehold security, to be approved by the mayors of such cities, for the faithful performance of their duties, and shall, after their organization as aforesaid, proceed to lay out, in conjunction with the said surveyor and engineer, a route for the said proposed bridge road or viaduct, which road or viaduct shall connect at each end with some public street of proper width in each of said cities, and after the locating of the said bridge road and viaduct as aforesaid, and the filing of the necessary maps, plans and specifications in the offices of the respective clerks as aforesaid, the said commissioners shall advertise for proposals for the performance of the said work and the construction of the said bridge road or viaduct, or for any part thereof, by sections, which advertisement shall be inserted in at least one newspaper printed in such cities once a week for four weeks successively; that after the proposals for the said work have been received by the said commissioners, and the probable cost of the same properly estimated, the said commissioners shall award the said work to the lowest responsible bidder, who shall give proper security for the faithful performance of the same in accordance with the maps, plans and specifications aforesaid, and that thereafter the said commissioners shall issue improvement certificates in the names of the said cities jointly to the said contractors in payment for the work done upon the said bridge or viaduct, in the same form as improvement certificates for public work are now issued in said cities, which certificates shall be payable at a time not exceeding two years from the date of issuing the same, and shall bear interest at a rate not to exceed four and one-half per centum per annum; that at the expiration of two years from the date of issue of the said improvement certificates, and after the construction of the said work and the acceptance of the same by the said commissioners, the common council, board of aldermen, and other governing body of the said cities shall cause the said improvement certificates to be funded and the bonds of the respective cities to be issued for the total amount thereof, payable in not less than twenty years, bearing interest

Bond, duties,
etc

Proposals.

Contract.

Improvement
certificates.

Bonds.

- at a rate not to exceed five per centum per annum, and pledging the faith and credit of the respective cities for the payment thereof; *provided*, that the amount of bonds issued shall not exceed said sum of fifty thousand dollars, and that each of such cities shall issue its own bonds to the extent of one-half of the said funded indebtedness.
- Proviso.
- Agents, etc.
4. Said commissioners shall have power to employ such necessary agents and servants in and about the construction of the said work as they may deem necessary for the proper performance thereof, and shall take bonds from each of said agents and servants in the name of the said cities jointly for the proper performance of the duties of such clerks, agents and servants.
- Secure land by agreement.
5. If the said commissioners for any reason are able to agree with the owner or owners of any lands and premises necessary to be possessed or occupied for the proper construction and operation of the said bridge or viaduct, they shall have power to make all necessary agreements, contracts, et cetera, and accept all necessary conveyances for such lands and premises, and in payment thereof shall have power to issue improvement certificates as provided in the last section and in the same manner as for work done by the contractors upon the said bridge or viaduct.
- In case of disagreement.
6. If the said commissioners are unable to agree with the owner or owners of any lands or premises required for the proper construction and operation of the said bridge or viaduct, or if said owner or owners should be minors, non-residents or non compos mentis so that an agreement cannot be legally made for the purchase of said lands and premises, a particular description of the land so required for the use of said commissioners in the construction of the said road, bridges and its approaches, shall be given in writing, under the oath or affirmation of the surveyor or engineer of the commissioners, and also the name or names of the occupant or occupants, if any there be, and of the owner or owners, if known, and their residence, if the same be ascertained, to one of the justices of the supreme court of this state, who shall cause the said commissioners to give notice thereof to the persons interested, if known and in this state, or if unknown or out of the state, to make publication thereof as the said justice shall direct, for any term not less than six days, and to assign a particular time and place for the appointment of the commissioners hereinafter named, at
- Condemnation proceedings.

which time, upon satisfactory evidence to him of the service or publication of such notice aforesaid, he shall appoint three disinterested, impartial and judicious freeholders, not resident in either the said city requiring said road, et cetera, commissioners to examine and appraise the said lands and to assess the damages, upon such notice to be given to the persons interested as shall be directed by the said justice, to be expressed therein, not less than six days; and it shall be the duty of the said commissioners, having first taken and subscribed an oath or affirmation faithfully and impartially to examine the matter in question, and to make a true report according to the best of their skill and understanding, to meet at the time and place appointed, and proceed to view and examine the said lands, and to make a just and equitable estimate or appraisal of the value of the same, and an assessment of damages to be paid by the said commissioners as aforesaid, for such lands and damages aforesaid; which report shall be in writing, under the hands and seals of the said commissioners or any two of them, and filed within ten days thereafter, together with the aforesaid description aforesaid, in the clerk's office of the county in which said cities are situate, to remain of record therein; which report or a copy thereof, certified by the clerk of said county, shall at all times be considered as plenary evidence of the right of the said commissioners to have, hold and use the said land, or of the said owner or owners to recover the amount of the said valuation, with interest and costs, in an action of debt, in any court of competent jurisdiction, in a suit to be instituted against the said commissioners, if they, as such commissioners, shall neglect or refuse to pay the same in manner aforesaid for twenty days; and the said justice of the supreme court shall, on application of either party, and on reasonable notice to the others, tax and allow such costs, fees and expenses to the justice of the supreme court, commissioners, clerk and other persons performing any of the duties prescribed in this section, as they or he shall think equitable and right, which shall be paid by the said commissioners.

Report considered full authority to enter such lands.

7. After the construction of said bridge, road or viaduct and its approaches by the said commissioners, the same shall be kept in repair and properly maintained by each of said cities to the extent of one-half the cost of such keep and repair; *provided*, that the same shall not exceed two hundred and fifty dollars per year for each of such cities, and that

Maintenance.

Proviso.

said road, bridge or viaduct shall be under the jurisdiction and control of the committee on streets, or other board or authority in charge of streets, in each of the said cities within their respective lines and jurisdictions.

Expenses and
disbursements.

8. All the lawful expenses and disbursements of the said commissioners shall be ordered paid by the common council, board of aldermen or other governing bodies of each of said cities to the extent of the limitation aforesaid, upon a proper draft or warrant signed by the president of such commission and countersigned by the treasurer thereof, and all improvement certificates issued as aforesaid shall be signed and countersigned in the same manner, and shall also be countersigned by the respective comptrollers or officers performing equivalent duties in each of such cities, so that a correct account of such certificates and expenses shall be kept by each of said cities; and the bonds, issued under the provisions of this act by each of such cities, shall be signed and issued in the same manner as bonds are now issued by such cities; *provided, however*, that the authorities of the respective cities shall sign and issue bonds only to the extent of one-half of the total cost of the said improvement, to be ascertained in the manner aforesaid.

Proviso.

Compensation of
commissioners.

9. The compensation of the said commissioners for their services shall be fixed by the common council, board of aldermen or other governing body of each of said cities, and that such compensation shall be uniform, and shall be expressed in the ordinances appointing such commissioners; *provided*, that the treasurer of the said commission may receive a salary in excess of that paid to the other commissioners to a sum not exceeding one hundred and fifty dollars.

Proviso.

Repealer.

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

Approved March 24, 1899.

CHAPTER 189.

An Act concerning cities.

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

1. Whenever in any city in this state, any ordinance shall be adopted or contract made by such city for the pavement or repavement with asphalt, belgian blocks, macadam, or other hard and durable pavement, of any section or sections of any street or streets, it shall and may be lawful for the board of aldermen, common council or other governing body of such city to provide by ordinance—first, that all owners or occupants of buildings along the line of said proposed pavement, or other persons or corporations possessing or controlling the right to lay wires, pipes or other conduits in the said streets, who shall desire to make connections, lay or relay pipes, wires or other conduits, or make repairs, under the roadway of any section or sections of any street or streets proposed to be paved as aforesaid, shall be required to complete all work in the premises within ninety days from date of approval or final adoption of said ordinance hereby authorized, and that after such proposed pavement shall have been laid, the said pavement shall in no manner be disturbed for the space of at least five years thereafter for the laying or relaying of wires, pipes or other conduits, or making repairs, without express permission first granted in writing by the superintendent of streets or other person or body having charge of the streets in any city, or by resolution of the governing body of said city and upon such terms as may be stated in such written permission or resolution; second, that no owner or occupant of any building along the line of said proposed pavement shall allow water from leaders conducting water from the roofs of said buildings to flow over or upon the sidewalks adjacent thereto, but such water shall be conducted by pipe or pipes to the proper sewer in said street, if any there be, and if there be no sewer in said street for the reception of such

Before paving street council may provide for certain street work.

Pavement not disturbed for five years without permission.

Roof drainage.

water, then the water from said leaders shall be conducted by proper pipes or channel-irons below the surface of the sidewalk to the street gutter.

Repealer.

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

Approved March 24, 1899.

CHAPTER 190.

An Act to enable counties of the second class to acquire lands for the purpose of widening approaches to public bridges.

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

Freeholders
may purchase
land necessary
to widen ap-
proaches to
bridge.

In case of
disagreement
with owner.

1. Whenever the board of chosen freeholders in any county of the second class in this state shall be authorized by law to rebuild or reconstruct, or cause to be rebuilt or reconstructed, any public bridge in this state, and in the rebuilding or reconstructing of said bridge the said board shall, by a majority vote, deem it necessary to widen the approaches to said bridge, it shall be lawful for any such board to purchase the land necessary to widen said approaches, and in case it cannot agree with the owner or owners of, or other person or persons interested in said lands, as to the amount of compensation to be paid therefor, or in case of the legal disability of any owner or owners, or other person or persons interested to sell said lands, the said board may apply to the justice of the supreme court holding the circuit court in the county within which such bridge is to be rebuilt or reconstructed, who, upon such application, and upon two weeks' previous notice, served personally or by leaving the same at the dwelling-house or usual place of abode of such owner or owners or other person or persons interested, or in the case of absence from the state or legal disability of any owner, owners or other person or persons interested, said notice shall be published for two weeks in a newspaper pub-

lished and circulating in said county; said justice shall appoint three disinterested commissioners, who shall be freeholders in said county, to assess and ascertain the value of the lands so proposed to be taken, used and occupied, and the damages to be done to any lands by the use and occupation thereof, which commissioners, first having taken and subscribed 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, shall appoint a time and place at which they shall meet to perform the duties of their appointment, and shall cause two weeks' notice thereof to be given to the parties interested therein, either by personal service or by publication in a newspaper published in the county where such lands may lie, at which time and place the said commissioners shall meet and view the premises and hear the parties interested, and take evidence, if any be offered, and for that purpose shall have power to administer oaths or affirmations; and the said board shall make and exhibit to the said commissioners, at their meeting aforesaid, for the use of the parties interested, a statement and description in writing, or by drawings or maps, or both, of the lands by them sought to be taken as aforesaid, and of the use and occupation upon any lands by them sought to be made; and the said commissioners shall thereupon ascertain and assess the value and damages as aforesaid, and shall execute under their hands and seals, or the hands and seals of a majority of them, an award to the said owner or owners of the lands, rights, privileges and franchises so sought by said board of chosen freeholders in the statement and description as aforesaid, stating therein the amount of damages and compensation therefor by them assessed in favor of such owner or owners, which award shall be by them acknowledged and filed in the county clerk's office, and by him recorded in the registry of deeds.

Commissioners
appointed;
duties, power,
etc.

2 Before taking possession of any such lands or entering thereon for the purpose of the use or occupation thereof, said board shall pay or tender to such owner or owners, or in case of absence from the state or legal disability, shall deposit with the clerk of the circuit court of said county the amount of damages so awarded, and the award of said commissioners and the payment or tender or deposit as aforesaid of such damages shall vest in said board of chosen freeholders the lands, rights, privileges and franchises by them

Payment ten-
dered vests
rights sought.

sought, described and set forth in said statement and description, in all respects the same as if the same had been conveyed to the said board by the said owner or owners under their hands and seals.

If dissatisfied by
award, appeal
may be taken.

3. If either party feel aggrieved by said assessment and award, such party may appeal to the next or second term of the circuit court of said county, by petition and notice thereof served upon the opposite party two weeks prior to such term, or published a like space in a newspaper published nearest the lands in question, which petition and notice so served or published shall vest in said court full power to hear and determine said appeal, and, if required, it shall award a venire for a jury to come before it, who shall hear and finally determine the issue under the direction of the court, as in other trials by jury; and it shall be the duty of the said jury to assess the damages to the said lands as above mentioned, and the value of such as shall be absolutely taken; and said court shall have power to order a struck jury, or a jury of view, or both, to try any such appeal; and the right of said board to appeal from and dispute the correctness of any award shall not be waived or taken away by the paying or tendering the amount of the award and taking possession of the lands or exercising the rights covered by such award; and the right of any owner of any such lands or rights in like manner to appeal shall not be waived or lost by the acceptance of the amount so awarded, when tendered, and upon the final determination of any such appeal, the said court shall render such judgment in favor of the one party and against the other as the right and justice of the case shall require, and shall award to the party substantially succeeding and prevailing in said appeal, his, her or their costs of said appeal against the opposite party, and shall have power to enforce the judgment so rendered by execution, as other judgments are enforced, and also by summary proceedings and attachments for non-payment thereof.

Jury's duty.

Right of appeal
not lost by giv-
ing or accepting
payment.

Compensation of
commissioners.

4. The said commissioners shall be entitled to receive the sum of five dollars per day for the time they are actually and necessarily employed in the duties required by this act.

Payment.

5. For the purpose of paying the purchase-money for said bridge, it shall and may be lawful for the board of chosen freeholders of the county wherein the same may be, and they are hereby authorized, upon agreeing or ascertaining as aforesaid the amount so to be paid, to pay for the same out

of any of its available funds or to issue the bonds of said county, under the corporate seal of said board, and signed by the director and attested by the clerk of said board, and countersigned by the county collector of said county, and of such denominations as they may deem advisable, bearing legal interest, and not exceeding the sum required, with the necessary expenses, and from the proceeds of said bonds to pay to the owners of such land ; *provided*, said bonds by this act authorized shall be sold under the order and direction of the board of chosen freeholders at public or private sale, as may seem to said board best for the interests of the county ; *and provided further*, that said bonds shall not be sold or disposed of at less than their par value.

Or issue bonds.

Proviso.

Proviso.

6. The board of chosen freeholders of any county of the second class that shall issue bonds by virtue of this act shall have power and authority to provide by taxation for the payment of 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 as other taxes are assessed and collected in such counties, 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.

Provision for payment of bonds.

7. This act shall take effect immediately.

Approved March 24, 1899.

CHAPTER 191.

An Act relating to the purchase and acquisition by any city, township, town, borough or other municipality of the portion of any turnpike road lying within the limits of any such city, township, town, borough or other municipality, and to provide the money necessary for the purchase thereof.

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

1. Whenever twelve or more freeholders of any city, township, town, borough, or other municipality of this state

Petition for purchase of turnpike lying within a municipality.

shall apply in writing to the governing body thereof, requesting such governing body to take steps to purchase and acquire the portion of any turnpike road lying within the limits of any such municipality for the public use, the

Agreement. said governing body shall thereupon proceed to treat with the owner or owners of such portion of such turnpike road for the purchase of the same, and if such turnpike company shall offer to sell and dispose of such portion of such road at such price as such governing body shall think a fair and reasonable one, the said governing body shall thereupon, by

Question submitted to voters. resolution, submit the question of such purchase to the legal voters of such city, township, town, borough or other municipality, at a ——— special election, stating in such resolution the amount which the owner or owners of such turnpike

Ballots. road are willing to accept for such portion; the ballots to be deposited in favor of such proposition shall have printed or writted thereon the words “in favor of purchasing the portion of the ——— turnpike road within the limits of the ———” (designating the name of the turnpike road and of the municipality within which it lies), and the legal voters opposed to such purchase shall deposit a ballot with the words “opposed to purchasing the portion of the ——— turnpike road within the limits of the ———” (designating the name of the turnpike road and of the municipality within which it lies), printed or written thereon; there shall be a

Canvass canvass upon the return of the votes upon the question submitted, made by the board of registry and election in the same manner as for officers voted for at any charter or municipal election; and that if a majority of the ballots whereon there shall be the words “in favor of purchasing the portion of the ——— turnpike road within the limits of the ———” (designating the name of the turnpike road and of the municipality within which it lies), or “opposed to purchasing the portion of the ——— turnpike road within the limits of the ———” (designating the name of the turnpike road and of the municipality within which it lies), be found to be in favor of purchasing such portion of such turnpike road, it shall then be lawful for the said governing body to purchase the same in conformity with this section for the price mentioned in said resolution.

Special election; notice of. 2. The governing body of any such city, township, town, borough or other municipality, shall submit the question of purchasing the portion of any such turnpike road within the

limits of any such municipality to the legal voters of any such municipality, at such special election to be held for that purpose, by causing thirty days' notice of such election to be posted in five conspicuous places in such municipality, and to be published for at least two weeks consecutively, once in each week, before the date of such election, in two or more newspapers printed and published in the county in which such municipality is located, and circulating in such municipality; which notice shall be signed by the clerk of such governing body, and shall state the time and purpose of such election, and the place where the same will be held in the several precincts or voting divisions of such municipality.

3. Such special election shall be held and conducted on the day appointed by such governing body of such municipality, by the board of registry and election and registry or poll clerks that held the last annual or municipal election in such municipality, in conformity with an act of the legislature of the state of New Jersey, approved April fourth, one thousand eight hundred and ninety eight, entitled "An act to regulate elections" (Revision of 1898), and the supplements, and amendments thereof, except as herein otherwise provided; and there shall be no registration for such election, but such board of registry and election shall procure and use for such special election a certified copy of the registry of the voters filed with the clerk of such governing body, and no person shall be entitled to vote whose name does not appear on such register.

Conduction of election.

Exception.

4. It shall be the duty of the clerk of such municipality to provide a room in such election district in which to hold such special election, and to notify the clerks of the board of registry and election that such room has been procured and where the same is located, in conformity with the act above mentioned; but such clerk shall not have booths or apartments prepared in said room, nor shall any booths or apartments be used at such election.

Polling place.

5. At such special election the persons entitled to vote shall vote by ballot, and each voter shall give his vote by a single ballot, which shall be a paper ticket on which shall be written or printed the words provided for in the first section of this act, and no official ballot or official envelope shall be required at such special election.

Vote by ballot.

Vacancy in
election board.

6. If at the hour of seven o'clock in the morning of the day of such special election, or at any other time during such election, any member of the board of registry and election, or any registry or poll clerk, shall be absent from the place where such election shall be appointed to be held, or shall be disqualified, or being present shall neglect or refuse to perform the duties of such office, it shall be the duty of such board to appoint some other person qualified to vote in such election district, who shall then and there be present, to fill such vacancy.

"Turnpike road
bonds" issued.

7. In order to provide for the purchase of any such portion of any turnpike road it shall be lawful for any such governing body of any such municipality, in the corporate name of such municipality, to issue its bonds for the sum agreed to be paid for such portion of any turnpike road lying within the limits of such municipality, to be designated "turnpike road bonds," which will run for any period not exceeding five years, and bear interest at any rate not exceeding five per centum per annum, payable semi annually, which bonds may be sold and disposed of by such governing body at any sum not less than par.

Payment of
principal and
interest.

8. It shall be the duty of any such governing body to provide by taxation the amount of money necessary to pay the interest on such bonds so authorized to be issued, as the same falls due, and the principal of said bonds when the same shall mature.

Maintenance of
turnpike so
purchased.

9. Whenever any portion of any turnpike road lying within the limits of any municipality shall have been purchased or acquired for public use in the manner directed in the foregoing sections of this act, the same shall be graded, regulated, worked, repaired, maintained and kept up at the expense of the municipality in which it lies.

10. This act shall take effect immediately.

Approved March 24, 1899.

CHAPTER 192.

A Supplement to an act entitled "An act concerning cities, towns and boroughs," approved March twenty-third, one thousand eight hundred and eighty-eight.

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

1. It shall and may be lawful for the common council, board of aldermen or other governing body of any city, town or borough having a fire department under the control of such city, town or borough, to order assessed and raised by taxation annually, in the same manner that other taxes in such city, town or borough are required to be assessed and raised, any sum not exceeding one fourth of one per centum on the total assessed valuation of the taxable property in such city, town or borough, for the maintenance of such fire department, and no limitation as to the amount that may be raised by taxation in any such city, town or borough, imposed by any prior law, general or special, by way of percentage or otherwise, shall be applicable to the taxes hereby authorized, nor shall this act be construed to limit or curtail any power to raise a larger sum than may now be authorized by any existing law.

Amount raised
for maintenance
of fire depart-
ment.

2. This act shall take effect immediately.

Approved March 24, 1899.

CHAPTER 193.

An Act respecting oaths.

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

1. It shall not be necessary to the solemnity nor obligation of any oath administered in any court of justice or any legal

Manner of
taking oath.

proceeding, civil or criminal, in this state, for the person taking the oath to kiss the holy scriptures; but the taking of such oath, while the hand shall be held upon the book, shall answer all the purposes and requirements of the law, any usage or custom to the contrary heretofore notwithstanding; and if any persons so sworn shall swear falsely they shall be guilty of perjury in like manner as if the book had been kissed.

2. This act shall take effect immediately.

Approved March 24, 1899.

CHAPTER 194.

An Act for the better regulation and control of the taking, planting and cultivating of oysters on lands lying under the tidal waters of the Delaware bay and Maurice river cove, in the state of New Jersey.

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

State oyster
commission;
how constituted,
term, control,
salary, etc.

1. All oyster-grounds, lands and beds included within lands of the state of New Jersey, under the tidal waters of the Delaware bay and Maurice river cove, shall be under the exclusive regulation and control of a state oyster commission, which shall consist of three members, who shall be appointed by the governor of this state; the commissioners first appointed shall be appointed to hold office respectively for one, two and three years, and until the appointment of their respective successors; all commissioners subsequently appointed shall be appointed for a term of three years, and shall continue to hold office until the appointment of their successors; the said commissioners shall be citizens of this state, and shall be directly interested or engaged in the taking, planting and cultivating of oysters in Delaware bay and Maurice river cove; before entering upon the duties of his office each commissioner shall file with the secretary of state an oath that he will faithfully discharge the duties of his office, and that he is directly interested or engaged in the

business of taking, planting and cultivating oysters in Delaware bay and Maurice river cove, which oath may be taken before any person authorized to take oaths or affirmations in this state; each commissioner shall receive an annual salary of three hundred and fifty dollars, payable quarterly; two members of the state oyster commission shall constitute a quorum at any meeting thereof, and any official act shall be valid which has been authorized by a majority of the commissioners at a regular meeting; they shall keep a record of all their official acts and proceedings, and shall annually report to the legislature, which report shall include a detailed statement of all expenditures of money made or authorized to be made by them under the provisions of this act; before entering upon the duties of their office the said commissioners shall severally enter into bond to the state in the sum of two thousand dollars, with good and sufficient surety, conditioned for the faithful performance of their duties, which bond shall first be approved as to sufficiency by the law judge of the said county of Cumberland; said bond shall be renewed annually.

Annual report.

Bond approved
by law judge.

2. The state oyster commission shall appoint a person to be known as the oyster superintendent, to hold office during the pleasure of the state oyster commission, and shall determine the amount of his compensation or salary, which shall not exceed twelve hundred dollars per annum, and which shall be paid in equal monthly payments; before entering upon the duties of his office the oyster superintendent shall give bond to the state in the sum of five thousand dollars, with good and sufficient surety, conditioned for the faithful performance of his duties, which bond shall be first approved as to sufficiency by the law judge of the said county of Cumberland; said bond shall be renewed annually; it shall be the duty of the state oyster commission to regulate and define the duties of the oyster superintendent, other than those duties specifically defined in this act.

Oyster superin-
tendent; duties,
salary, etc.

3. The state oyster commission shall have power, and it shall be their duty to enforce the provisions of this act, and the provisions of all other acts regulating the taking, planting or cultivating of oysters in Delaware bay or Maurice river cove, in this state, in force and not repealed by this act; and in furtherance and not in limitation of the above provisions they shall have power to employ such surveyors, guards and other employes as they may deem necessary; and

Power and duty
of commission.

to provide guard-boats and a sufficient number of men to protect all oyster beds and grounds in the Delaware bay and Maurice river cove, in this state; and to incur such expenses as they may consider proper to fully carry out the provisions of this and the said other acts, and for the preservation and improvement of the said oyster beds or grounds.

Office.

4. The state oyster commission shall establish and maintain an office within the county of Cumberland, at some place convenient to persons engaged in the oyster industry, which office shall also be the office of the oyster superintendent; stated meetings of the state oyster commission shall be held at their office at least once a month.

Lease lands.

5. The state oyster commission shall have power, and are hereby directed as hereinafter provided, to lease to applicants therefor any of the lands of the state under the tidal waters of the Delaware bay and Maurice river cove south of the line running direct from the mouth of Straight creek to Cross Ledge lighthouse, and commonly known as the "southwest line," as established by an act approved April third, one thousand eight hundred and ninety-three, entitled "A supplement to an act entitled 'A further supplement to an act entitled 'An act for the better enforcement in Maurice river cove and Delaware bay of the act entitled 'An act for the preservation of clams and oysters,''" approved April fourteenth, one thousand eight hundred and forty-six, and the supplements thereto approved March eighth, one thousand eight hundred and eighty-two, which further supplement was approved February twentieth, one thousand eight hundred and eighty-six," to be exclusively used and enjoyed by such lessees for the taking, planting and cultivating of oysters; *provided, however*, that no lease or leases shall be granted to any person who shall not be at the time of granting of said lease or leases and shall not have been for twelve months next preceding, a citizen and actual resident of this state; *provided, nevertheless*, that any person, not a citizen or resident of this state, already holding and using ground or grounds south of said "southwest line" in the Delaware bay and Maurice river cove, and having oysters planted thereon, under any usage, custom or existing law of this state, may apply for and receive a lease or leases for said ground or grounds so held at the time of the adoption of this act.

Proviso.

Proviso.

6. Leases may be granted for terms not exceeding thirty years at an annual rental not less than twenty-five cents per acre or fraction thereof of the lands so leased ; the rental for the first year of any lease shall be paid at the time the lease is granted, and the yearly rental for each succeeding year of said lease shall be paid within thirty days after the beginning of said year ; failure to pay said rentals at the time or times herein directed shall, as hereinafter provided, cause the lease or leases of the person or persons so failing to pay said rentals to become forfeited, and the right of said person or persons to the oyster-ground or grounds to cease ; and the state oyster commission shall cause the said lease or leases upon which said rent is due and unpaid as aforesaid to be canceled upon the books of the state oyster commission, and said forfeited ground or grounds may be thereafter leased to any resident of this state as above provided ; but before said lease or leases shall be canceled and the right of any person or persons to the oyster-ground or grounds held thereunder shall be forfeited as above mention, the state oyster commission shall cause notice to be personally served upon said lessee or lessees, directing him, her or them to appear before said commission, at their office, within thirty days from the service of said notice, and show cause, if any there be, why said lease or leases should not be canceled, and why the right of said lessee or lessees to longer hold said oyster-ground or grounds thereunder should not be forfeited ; and if such lessee or lessees so appear and show sufficient cause why said rental has not been paid, and why said right to said ground or grounds should not be forfeited, and at the same time tender the money due for said rental, and pay the costs of the service of said notice, the state oyster commission shall direct the oyster superintendent to accept said moneys, and the rights of said person or persons shall not be forfeited because of said failure ; and in case of the failure of said lessee or lessees to so appear and show cause as aforesaid, the said lease or leases shall be canceled as above provided and the right of said person or persons to longer hold said leased ground or grounds shall be declared by the state oyster commission to be forfeited ; and the state oyster commission shall in such case fix a sufficient time within which the oysters upon said forfeited grounds shall be removed by the person or persons owning said oysters, and shall cause notice of the time so fixed to be personally

Terms upon
which leases
are granted.

Failure to pay
rental ; action
to be taken.

When lease
canceled.

Removal of
oysters.

served upon said person or persons, and the said ground or grounds shall not be leased to any other person until after the expiration of the time so fixed.

Present occupants first entitled to lease.

7. Any person or persons now having ground or grounds staked up in Delaware bay and Maurice river cove, south of the said "southwest line," under any present law, usage or custom, shall be first entitled to apply for and receive a lease or leases for such ground or grounds; *provided*, application therefor, in writing, be filed at the office of the state oyster commission within sixty days after this act shall take effect, in default of which application the commission shall have power thereafter to lease such ground or grounds to any resident of this state, as above provided; and at the expiration of the term of any lease the same shall be renewed on like favorable terms to the original lessee or lessees; *provided*, such lessee or lessees apply therefor within sixty days from the expiration of the term of such lease, and if application for any lease or renewal thereof for ground or grounds named in this section is not filed within the time limited, the state oyster commission shall fix the time within which the oysters upon said ground or grounds shall be removed by the person or persons owning said oysters, and shall cause notice of said time so fixed to be at once personally served upon said person or persons, and the said ground or grounds shall not be leased to others until after the expiration of the time so fixed.

Proviso.

Proviso.

Oyster lands measured, mapped, etc.

8. The state oyster commission shall, from time to time, as applications are made for leases, cause the lands leased under tidal waters south of the said "southwest line" to be measured, and the metes and bounds thereof ascertained and located by ranges, monuments or other means, so that the limits of the lands embraced within such leases may be accurately fixed and easily located; the state oyster commission shall cause such leased lands to be mapped, and the said maps to be filed in the office of the state oyster commission, and shall also cause the leases so made to be recorded in books kept in the office of the state oyster commission for that purpose.

Certain sections may not be leased.

9. It shall not be lawful to make any leases embracing the whole or any part of the following-named oyster beds and creeks or rivers, namely, Elder Point beds, Dividing creek beds, Oranoaken beds, Pepper beds, and beds in Stow creek, Cohansey creek, Back creek, Cedar creek, Nantuxent

creek, Dare's creek, Paggett's creek, Sow and Pigs creek, Beaton's creek, Fishing creek, Straight creek, Oranoaken creek, Dividing creek, Maurice river, West creek, East creek and Dennis' creek, or any other commonly-known natural oyster bed in Delaware bay or Maurice river cove, or in any creek or river emptying into said bay or cove.

10. The oyster superintendent shall issue a license, duly certified by himself, to each and every captain of a boat or vessel entitled by law to engage in the business of catching, planting and growing oysters in the said Delaware bay and Maurice river cove, that shall pay the license fee fixed therefor by the state oyster commission; and no boat shall dredge for or catch oysters or carry on the oyster business in the Delaware bay or Maurice river cove, in this state, without first obtaining a license for that purpose from the said oyster superintendent, and paying to him therefor the license fee fixed by the said commission, which fee the state oyster commission are authorized to fix at any sum not exceeding two dollars per ton on the tonnage measurement of such boat or vessel; no license shall be issued for a period longer than one year; all licenses shall be numbered and recorded in a book kept for that purpose in the office of the state oyster commission; each boat or vessel licensed shall at all times while engaged in operating under such license, wear in plain view, upon the middle of the mainsail, one-third of the way from the head thereof, the number of said license in black figures at least fifteen inches in length; and upon the failure or neglect of any boat or vessel so licensed to wear said number as above required, such boat or vessel so neglecting or failing shall forfeit said license; *provided, however*, that a period of twenty days shall be given, after the issuing of said license, for such boat or vessel to comply with the above requirement.

License to engage in oyster business, fees, etc.

Proviso.

11. The state oyster commission, before issuing any lease to any person as provided for in this act, shall cause the person applying for said lease to make and file with them an oath that he is a citizen and actual resident of this state, and has been for twelve months next preceding such application, or that at the time of the adoption of this act the applicant was holding and using, and has since continuously held and used, for the purpose of taking, planting and cultivating oysters, the lands for which the application for said lease is made; and the oyster superintendent, before

Qualifications of persons applying for license.

Ownership of
vessels.

issuing any license to any boat or vessel as provided for in this act, shall cause the master or captain of said boat or vessel to make and file with him an oath that said boat or vessel is wholly owned by citizens and actual residents of this state, and who have been such for twelve months next preceding, or that at the time of the adoption of this act said boat or vessel was duly licensed, under laws existing at that time, to carry on the business of catching, planting and growing oysters in the Delaware bay and Maurice river cove, in this state; such oaths may be made and taken by and before the several members of the state oyster commission and the said oyster superintendent; and the state oyster commission shall have power to revoke any lease or license issued by reason of any false oath.

Unexpired
licenses.

12. All unexpired licenses issued to boats or vessels by the collector of the oyster fund of the Maurice river cove and Delaware bay oyster association previous to the time when this act shall take effect, shall remain in full force and virtue for the unexpired terms thereof, and shall have the same force and effect as licenses issued by the oyster superintendent.

Duty of collector
of oyster fund.

13. The collector of the oyster fund of the Maurice river cove and Delaware bay oyster association is hereby required, within fifteen days after this act shall take effect, to prepare and deliver to the said oyster superintendent a written or printed statement showing the names of all boats or vessels previously licensed by him, whose licenses shall not then have expired; which statement shall also show the numbers of the said licenses of the respective boats or vessels.

Moneys, etc.,
for sole use
of state.

14. All moneys due for ground rentals, license fees, or otherwise made collectible under the provisions of this act, shall be received and collected by the oyster superintendent, for the sole use of the state of New Jersey, as public moneys belonging to the state, and shall be accounted for and paid over as such in manner hereinafter provided.

Further duties
of oyster
superintendent.

15. The oyster superintendent shall keep an account of all fees and moneys received by him, pursuant to the provisions of this act, for the use of the state, and shall, on or before the tenth day of each month, make a full itemized statement and return, verified by oath, to the comptroller, of all moneys collected or received as aforesaid, upon blanks containing a form of the said statement and oath, to be furnished to the oyster superintendent by the comptroller,

and the said statements shall be filed in the office of the comptroller, there to remain as public records; said statements shall be audited forthwith by said comptroller, and on or before the fifteenth day of each month the said oyster superintendent shall pay over the amount of such moneys received to the state treasurer; he shall also make detailed monthly reports, verified by oath, to the state oyster commission of all moneys collected or received by him; all bills incurred by the state oyster commission in carrying out the provisions of this act shall be certified by the state oyster commission to the state comptroller, monthly, for payment, and he shall draw his warrant on the state treasurer therefor; *provided, however*, such expenditures shall not exceed the amount received from the oyster superintendent, as above provided.

Proviso.

16. No oysters shall be dredged for, caught or taken from any of the lands of the state under the tidal waters of the Delaware bay, north of the said "southwest line," except from and including the first day of April to and including the fifteenth day of June of each year; it shall be unlawful to dredge for, catch or take oysters from any of the lands of the state under tidal waters of the Delaware bay and Maurice river cove, south of the said "southwest line," at any time except from September first to June fifteenth, inclusive, of each year.

Oyster season.

17. No oysters shall be dredged for, caught or taken from any of the lands of the state under tidal waters of the Delaware bay and Maurice river cove, south of the said "southwest line," that are not held by virtue of a lease or leases issued by the state oyster commission; but nothing in this section or in the section immediately preceding shall apply to any of the creeks or rivers hereinbefore mentioned, nor shall be construed to prohibit the taking at any time of oysters with rakes or forks on what is commonly known as the Cape shore, in Cape May county.

No oysters taken from lands not leased.

Exception.

18. All oysters, oyster shells and other material dredged, tonged, or in any manner raised or taken from any of the beds and grounds north of said "southwest line," or from any natural oyster bed or ground where oysters naturally spawn and grow under the waters of Delaware bay and Maurice river cove, in this state, shall be immediately culled, and all shells and other material, except oysters, shall be immediately thrown back upon the beds or grounds from

All takings culled where taken.

which the same shall have been taken, so that the shells and other refuse material so caught and taken, remaining on board the boat or vessel, shall not be more than fifteen per centum of the whole quantity of the oysters, shells and other refuse material on board said boat or vessel.

Ordinances to regulate taking, etc., oysters.

Publication of.

19. The state oyster commission shall have power to adopt ordinances to regulate the taking, catching and cultivating of oysters in the Delaware bay and Maurice river cove, in this state, not inconsistent with the provisions of this act or with the provisions of any other law of this state regulating the taking, planting or cultivating of oysters in said bay or cove in force and not repealed by this act, and to in like manner amend, alter or repeal such ordinances; all ordinances so adopted or amended shall be published at least once a week for four successive weeks in one newspaper printed and published in the county of Salem, and in one newspaper printed and published in the county of Cumberland, and in one newspaper printed and published in the county of Cape May, and shall take effect on a date to be expressed in the ordinance, which date shall be subsequent to the expiration of the time of publication as herein provided.

Unlawful to dredge, etc., upon staked bed without permission.

20. Any person or persons who shall hereafter dredge upon or throw, take or cast his oyster dredge, or any other instrument used for the purpose of catching oysters, upon any oyster bed or ground duly marked, buoyed or staked up within the waters of this state, belonging to any other person, without the permission of the lessee or lessees thereof, shall be deemed guilty of a misdemeanor and of a violation of the provisions of this act.

Arrest for violations of oyster laws.

21. The members of the state oyster commission, the oyster superintendent and the several captains or master of guard-boats are hereby empowered, and it shall be their duty, on view, without special warrant issued for that purpose, to arrest any person engaged in the violation of any of the provisions of this act or the provisions of any ordinance duly adopted by the state oyster commission, or the provisions of any other law of this state regulating the taking, planting or cultivating of oysters in the Delaware bay or Maurice river cove, in force and not repealed by this act.

Revocation of license for violations.

22. It shall be the duty of the state oyster commission to revoke the license of any boat or vessel, the owner, captain, master or person in charge of which shall violate or cause or permit to be violated any of the provisions of this act

or the provisions of any ordinance duly adopted by the said commission or the provisions of any other law of this state regulating the taking, planting or cultivating of oysters in the Delaware bay or Maurice river cove, in force and not repealed by this act; and said commission shall have power to refuse thereafter to allow any license to be issued to such boat or vessel for such period of time as the commission may fix and determine.

23. Nothing in this act shall be in anywise construed to authorize or allow any person or persons, boat or vessel, to engage or be employed in the business of taking, planting or cultivating oysters in the Delaware bay or Maurice river cove, or in any creek or river tributary thereto, in this state, who or which are prohibited from engaging or being employed in said business, by laws of this state in force at the time of the adoption of this act.

Those now prohibited not allowed to engage under this act.

24. Nothing in this act shall be interpreted to strengthen, confirm or verify the title of any person to any lands lying under the tidal waters of the Delaware bay north of the line running direct from the mouth of Straight creek to the Cross Ledge lighthouse, and commonly known and established by law as the "southwest line."

Title to land not confirmed hereby.

25. Any person or persons violating any of the provisions of this act, or any ordinance duly adopted by the state oyster commission, or the provisions of any other law of this state regulating the taking, planting or cultivating of oysters in the Delaware bay or Maurice river cove, in force and not repealed by this act, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine not exceeding one thousand dollars, or imprisonment in state prison not exceeding five years, or both, at the discretion of the court.

Penalty for violations of act or ordinances.

26. All acts and parts of acts, general or special, inconsistent with the provisions of this act, are hereby repealed, and this act shall take effect June sixteenth, one thousand eight hundred and ninety-nine.

Repealer.

Approved March 24, 1899.

CHAPTER 195.

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

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

Compromise in
settlement of
unpaid taxes,
etc., where lands
have been sold
for same.

1. Whenever any lands have been or shall hereafter be sold for taxes pursuant to the act to which this is a supplement, or any supplement thereto, and the same have been purchased by the city, the common council, board of aldermen, or board of finance, in cities wherein such latter board exists, may, if in its judgment the taxes and assessments, or either, due or imposed on said lands are of equal or more value than the lands, compromise, settle and take from the owner or owners of such lands, or the mortgagee or mortgagees thereof, or other persons interested therein, such a sum in lieu and instead of such taxes and assessments, or either thereof, as shall in the judgment of said common council, board of aldermen or said board of finance be deemed equitable and just, provided the amount so compromised at be fixed by resolution, and be approved by the mayor of the city ; upon payment of the amount so fixed and determined, within a time in such resolution to be named, not to exceed sixty days, all taxes and assessments, or such of them as shall be named in said resolution, shall thereupon be considered and treated as paid, canceled and of no further force and effect.

2. This act shall take effect immediately.

Approved March 24, 1899.

CHAPTER 196.

A Supplement to an act entitled "An act to amend the law relating to the property of married women," approved March twenty-seventh, one thousand eight hundred and seventy-four.

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

1. Every conveyance of land in this state, made by a widow who while married was seized thereof prior to July fourth, one thousand eight hundred and fifty-two, and who has since departed this life, shall be deemed good and effectual to pass said estate to the grantee and his or her assigns notwithstanding said conveyance was made without joining therein a trustee or trustees for married women as required by law prior to the fourth of July, one thousand eight hundred and fifty-two.

Validating
certain con-
veyances.

2. This act shall take effect immediately.

Approved March 24, 1899.

CHAPTER 197.

An Act to provide for the regulation and control of the slaughter of horses and the sale of horse flesh for food.

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

1. Local boards of health shall have power to pass, alter and amend ordinances for the following purposes in addition to the purposes now authorized by law :

Additional
powers given
local boards
of health.

I. To regulate and control the sale of horses for food, to provide for their inspection both before and after slaughter,

and to provide for the granting of permits to carry on the business of slaughtering horses for food ;

II. To regulate and control the manner of constructing, repairing, furnishing and caring for houses and buildings used, or intended to be used, for the slaughter of horses in all matters relating to their sanitary condition, and to regulate and control the locating of such houses and buildings.

Penalty for
violation of
ordinances ;
how recovered.

2. Any local board of health may prescribe a penalty, not exceeding one hundred dollars, for the violation of any ordinance or any section of any ordinance adopted under the authority of this act, which penalty shall be recoverable in the same manner as any penalty may be recovered for the violation of any ordinance adopted under the provisions of the act entitled "An act to establish in this state boards of health and a bureau of vital statistics, and to define their respective powers and duties," approved March thirty-first, eighteen hundred and eighty-seven, and the supplements thereto.

"Horse flesh"
so designated.

3. No person shall sell, or offer or expose for sale, or in anywise aid in selling, or offering or exposing for sale, any horse flesh unless every carcass, piece and parcel of horse flesh so sold, or offered or exposed for sale, shall have conspicuously attached thereto a label or tag not less than three inches wide and four inches long, on which shall be printed or stamped, in letters not less than one inch in height, the words "horse flesh"; and any person who shall violate any of the provisions of this section shall be liable to a penalty of one hundred dollars; every such penalty may be recovered, with costs, in a summary proceeding either in the name of the board of health of the state of New Jersey or in the name of the local board of health of the township, city, borough, town or other local municipal government within whose jurisdiction the penalty may have been incurred; it shall be the duty of any inspector appointed by the state board of health, and of any member of any local board of health, and of any local health inspector, who shall know or be informed of any violation of any of the provisions of this act, to make, and any other person having such knowledge may make, under oath or affirmation, a complaint in writing against the person or persons, copartnership of persons or corporation incurring such penalty, setting forth the facts of such violation, which complaint may be on information and shall be filed with the clerk of any district court or with any

Penalty for
failure to do so.

Duty of health
inspector.

justice of the peace of the county within which the offense may have been committed, or with any police justice or recorder of the city or other municipality within which any local board of health bringing suit shall have jurisdiction; and the clerk of the district court with whom any such complaint shall be filed, upon the order of the judge thereof, and the justice of the peace, police justice or recorder with whom any such complaint shall be filed, is hereby authorized and required to issue process in the nature of a summons when the complaint is on information, and in other cases either in the nature of a summons or warrant, which process, when in the nature of a warrant, shall be returnable forthwith, and, when in the nature of a summons, shall be returnable in not less than five nor more than fifteen days; on the return of such process, or at any time to which the trial shall have been adjourned, the said court, justice of the peace, police justice or recorder shall proceed to hear the testimony of witnesses and the proofs in the case, and to determine and give judgment in the matter without the filing of any pleadings, and, if judgment shall be given in favor of the plaintiff, execution shall forthwith issue against the goods and chattels and person of the defendant or defendants for the amount of the penalty, with costs; the officers to serve and execute any process or execution, issued as aforesaid, shall be the constables of the county, which service and execution, in the case of any process or execution issued out of a district court, shall be made in the same manner and under the same liabilities as other processes and executions issued out of said court are served and executed; the officers to serve and execute any process or execution issued by a justice of the peace, police justice or recorder shall be the constables of the county, which service and execution shall be made in the same manner and under the same liabilities as other processes and executions issued out of the courts for the trial of small causes; the costs recoverable in any case prosecuted in a district court shall be the same as in other cases prosecuted in said court, and in any case prosecuted before a justice of the peace, police justice or recorder they shall be the same as are allowed in cases prosecuted in the courts for the trial of small causes; the penalty recovered in any such action shall be paid to the plaintiff therein and applied by such plaintiff to any purpose for which it may be legally authorized to expend money.

Process issued.

Hearing.

Costs recoverable.

Adjournment;
give bond for
appearance.

4. The judge of the district court, justice of the peace, police justice or recorder before whom any case is prosecuted under the next preceding section of this act may adjourn the hearing thereof from time to time, not exceeding thirty days from the return day of the summons or warrant, and in any case where a warrant shall have been issued may require the defendant or defendants to enter into a bond with sufficient surety to the plaintiff in the penal sum of two hundred dollars, conditioned to appear at the time and place of the hearing or trial, and in default of such bond may commit the defendant or defendants to the common jail of the county, to be there detained until the hearing or trial of the complaint; and if the defendant or defendants shall fail to appear at the time and place to which the hearing or trial shall be so adjourned, the bond shall be delivered to the plaintiff, who may sue thereon and apply the moneys recovered in such suit to any purpose for which it may be legally authorized to expend money.

Form of
conviction.

5. The conviction in prosecutions under the next preceding section of this act shall be in the following or similar form:

"State of New Jersey, county of _____, ss.—Be it remembered that on this _____ day of _____, A. D. 18—, at _____, in said county, C. D., defendant, was, by the district court of the city of T. [or, by me, E. F., justice of the peace, police justice or recorder of the city of _____, or as the case may be], convicted of violating the _____ section of 'An act to provide for the regulation and control of the slaughter of horses and the sale of horse flesh for food,' approved _____, 1899, in a summary proceeding at the suit of the local board of health of the township of A. [or as the case may be]; and further, that the witnesses in said proceeding who testified for the plaintiff were [name them], and the witnesses who testified for the defendant were [name them]; therefore, the said court [or justice of the peace, police justice or recorder, as the case may be] doth hereby give judgment that the plaintiff recover of the defendant one hundred dollars penalty and _____ dollars costs of this proceeding."

Conviction
signed.

The said conviction shall be signed by the judge of the district court, justice of the peace, police justice or recorder before whom the conviction is had.

6. This act shall take effect immediately.

Approved March 24, 1899.

CHAPTER 198.

An Act to provide for the erection, restoration or reconstruction of school-houses to replace others destroyed by fire or otherwise, and to provide temporary school accommodations pending such erection, restoration or reconstruction.

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

1. Whenever in any municipality of this state, any public school-house or school-houses, which were erected in pursuance of the laws of the state, have been damaged or destroyed by fire, accident or other agency during the current year, the board of finance, or other board or body having charge or control of the finances of such municipality, shall have the power, upon the request of the board having charge of the schools of such municipality, to borrow for the purpose of restoring or reconstructing such damaged school buildings, or for the purpose of replacing such destroyed school buildings, by the acquisition of lands, erection of buildings and the furnishing of the same, and for the purpose of providing temporary school accommodations pending such restoration, reconstruction or erection, and to issue the obligations of the city therefor, bearing interest at a rate not exceeding four per centum per annum, in an amount not to exceed in the aggregate one dollar for each inhabitant of said municipality as ascertained by the last preceding census, and make the same payable at such time or times as said board of finance, or other board or body having charge and control of the finances of such municipality, shall determine, which board shall establish a sinking fund for the payment of the bonds issued under this act, and provide for the payment of the principal and interest of such bonds by taxation.

Money borrowed to restore school-house damaged by fire.

Amount of obligations.

Sinking fund.

2. The money arising from the sale of said bonds shall be placed to the credit of the board or body charged with the

Application of moneys received.

power and duty of acquiring lands, erecting school buildings and furnishing the same, and shall be expended by said board or body for the purposes aforesaid.

Repealer.

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

4. This act shall take effect immediately.

Approved March 24, 1899.

CHAPTER 199.

An Act to provide for the payment of pensions to the families of policemen who die or are permanently disabled in the discharge of their duty.

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

Pension in case of death or disability of policeman in discharge of duty.

1. Whenever in any municipality of this state any police officer shall die or be permanently disabled from the result of wounds received in the discharge of his duty as such police officer, it shall be lawful for the board or body having charge of the police department of such municipality to provide an annual pension for the widow and family of such deceased officer, which pension shall be paid in monthly payments or in such other manner as the salary of the deceased officer was paid, and shall be paid to such widow and children so long as the widow shall remain unmarried, or in case of her death, until the youngest child of such officer shall attain the age of eighteen years; and the amount of such pension shall be included in the annual appropriation of such municipality for the payment of salaries of the police department.

Repealer.

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

Approved March 24, 1899.

CHAPTER 200.

An Act to provide for the government of the police forces in cities of this state.

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

1. In all cities of this state the drivers and attendants of police vans and patrol wagons used in connection with the police department of such city shall be appointed by the board or body having charge of the police department therein, and shall be members of the police force of such city.

Drivers and attendants of police vans members of force.

2. All such drivers and attendants now in the employ of such city are hereby transferred to and made a part of the police force thereof without further appointment or action in addition to the number of policemen limited by any law for such city ; but no drivers or attendants in any city shall be entitled to the benefit of any pension acts affecting such city.

Transferred to force hereby.

Not entitled to pension.

3. This act shall take effect immediately.

Approved March 24, 1899.

CHAPTER 201.

An Act concerning the payment of taxes in any municipality of this state.

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

1. It may be lawful for the common council or other governing body of any municipality of this state to provide by ordinance or resolution that any person paying taxes in any municipality, in the year in which said taxes are or shall be assessed, and between the time when the tax dupli-

Discount for payment of taxes.

cate shall have been delivered to the collector of taxes and the date on which by law taxes become delinquent in said municipalities, may be allowed a discount at a rate of not exceeding six per centum per annum from the date of such payment to the date on which taxes become delinquent as aforesaid.

How construed. 2. This act shall be construed to apply as well to taxes assessed or to be assessed during the present year as to all taxes to be hereafter assessed; and all acts and parts of acts inconsistent herewith are hereby repealed, and this act shall take effect immediately.

Repealer.

Approved March 24, 1899.

CHAPTER 202.

An Act respecting the employment of mechanics and laborers upon the public work of this state and the municipalities within the same.

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

Aliens not employed on state or municipal work.

1. It shall not be lawful for the state or any county, city, town, township or borough, or other municipal corporation within this state, or for any board, committee, commission or officer thereof, or for any officer, board, body or organization having charge of any public work or any construction, whether the same be a building, excavation, pipe-laying, bridge or dock-building, sewer or drainage construction, road-building, paving, or any other form or kind of public work which shall be undertaken and done at public expense, or for any person or corporation, to employ as a mechanic or laborer upon such public work or construction, or any part thereof, any person who is not at the time of such employment a citizen of the United States; any contractor or officer who shall violate the provisions of this act shall forfeit and pay the sum of one hundred dollars, to be recovered in an action of debt in any court of competent jurisdiction, with costs, and such penalty when recovered shall be paid into the treasury of the state,

Penalty for violation.

county, city or other municipal corporation within which and under whose authority such officer or contractor claims to act; *provided*, the provisions of this act shall not apply to any contract now in force. Proviso.

2. This act shall take effect May first, one thousand eight hundred and ninety-nine.

Passed March 24, 1899.

CHAPTER 203.

An Act to amend an act entitled "A supplement to an act entitled 'An act respecting the appointment of sergeant-at-arms in the court of common pleas, orphans' court and court of general quarter sessions of the peace,'" approved March nineteenth, one thousand eight hundred and eighty-nine.

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

1. Section one of an act entitled "An act respecting the appointment of sergeant-at-arms in the court of common pleas, orphans' court and court of general quarter sessions of the peace," approved March nineteenth, one thousand eight hundred and eighty-nine, which is as follows: Section amended.

"1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*: That in each county of this state, having within its territorial limits a population exceeding one hundred and fifty thousand inhabitants, the judges of the court of common pleas of said county be and they are hereby authorized to appoint a suitable person as sergeant-at-arms, to hold his office during the pleasure of said judges, whose duty it shall be to attend said courts during the several terms thereof, for which service he shall receive nine hundred dollars per annum, to be paid monthly by the county collector of said county on the certificate of the presiding judge of said court; *provided*, that no more than one sergeant-at-arms shall be appointed by the said judges in each of such counties," be and the same is hereby amended so as to read as follows:

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

Sergeant-at-arms; duties, allowance, etc.

1. In each county of this state having within its territorial limits a population exceeding one hundred and fifty thousand inhabitants, the judge of the court of common pleas of said county be and he is hereby authorized to appoint a suitable person as sergeant-at-arms, to hold his office during the pleasure of said judge, whose duty it shall be to attend the court of common pleas, the orphans' court and the court of quarter sessions and court of special sessions during the several terms thereof, for which services the said judge of the court of common pleas is hereby authorized to order and fix a per diem allowance, not exceeding five dollars per day; but said per diem allowance shall be made and taken in lieu of all fees, perquisites and allowances whatsoever, and to be paid monthly by the county collector of said county on the certificate of said judge of the court of common pleas.

2. This act shall take effect immediately.

Passed March 24, 1899.

JOINT RESOLUTION NO. 3.

Joint Resolution authorizing the governor, comptroller and treasurer, composing the state house commission, to ascertain the probable cost for certain improvements at the state house.

Preamble.

WHEREAS, The present room used for the meeting of the senate of the state of New Jersey is not of sufficient size for the comfortable transaction of public business, and lacks sufficient and adequate committee-rooms and other conveniences; and

WHEREAS, The present accommodation at the state house is entirely inadequate for the proper transaction of the public business; therefore,

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

1. The state house commission is hereby authorized to procure plans and ascertain the probable cost to provide a suitable chamber and committee-rooms for the use of the senate of this state, and for enlarging such portions of the state capitol building as they may deem necessary to accomplish the purpose of this resolution.

State house commission to ascertain cost of proposed improvement.

2. It shall be the duty of the said commission to transmit a report, with such recommendations or suggestions as they may desire to make, to the next session of the legislature.

Report to legislature.

3. This joint resolution shall take effect immediately.

Approved March 24, 1899.

CHAPTER 204.

An Act supplementary to an act entitled "An act to incorporate benevolent and charitable associations," approved March ninth, one thousand eight hundred and fifty-three.

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

1. Whenever any benevolent or fraternal organization or society having a grand lodge or other legislative head duly organized and existing in this state and incorporated under the laws thereof, shall have established a home for widows, orphans and aged members of such society in this state, it shall be lawful for such grand lodge or other legislative head which has been incorporated as aforesaid, to become guardian of the person of any child or children which may be committed to its care, either upon the surrender of such child or children to the charge and custody of the said corporation by an instrument in writing signed by the parents of such child, or the survivor of them or its guardian, or any person having the care of an orphan child and with whom it shall reside, or by appointment to such guardianship, in the manner provided by law, by any court of this state having jurisdiction to appoint guardians of the persons of infants.

May become guardian of children committed to its care.

Control and
duty.

2. Whenever any such corporation shall have been appointed guardian of any child in the manner hereinbefore provided, it shall have the entire and exclusive control of such child during its minority, and it shall be the duty of such corporation to support, maintain and educate such child until it shall attain the age of eighteen years, or until it shall have been disposed of as hereinafter provided.

May bind out
children.

3. Such corporation shall have power, in its discretion, or in the discretion of any board or committee to whom the control of such home shall have been committed by such corporation, at any time after such child shall have attained the full age of eight years, to bind out the same until such child shall attain the age of eighteen years to some suitable employment in the same manner and with like effect as the overseers of the poor, with the assistance and approbation of two justices of the peace, are by law authorized to put forth and bind any poor child or children; but said corporation, notwithstanding such binding out, shall still exercise a general oversight over any child so bound by it and may annul such binding out and retake such child into its own custody whenever in the judgment of such corporation, or of any board or committee to whom the control of such home shall have been committed by such corporation, the welfare of such child requires such action.

May retake
bound child.

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

Approved March 24, 1899.

CHAPTER 205.

An Act to provide for the appointment of a commission to revise the general statutes of this state relating to cities and incorporated towns.

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

Commission to
revise and codify
certain laws.

1. The governor is hereby authorized to appoint a commission to revise and codify the general statutes of this state

relating to cities and incorporated towns, or such part or parts thereof as the governor shall direct; that such commission shall consist of five persons; they shall organize by the election of a president and secretary, and may employ such clerical assistance as shall be necessary, at reasonable compensation, to be fixed by the governor and paid by the state when an appropriation is made for the purpose.

Compensation.

2. The commission shall perform the work assigned to them as speedily as practicable, and submit the bill or bills prepared, together with such suggestions as may be deemed expedient, to the legislature early in the next session.

Duty: report to legislature.

3. This act shall take effect immediately.

Approved March 24, 1899.

CHAPTER 206.

An Act to authorize towns, townships and boroughs owning or controlling water-works to supply dwellers in towns, townships and boroughs, through which their mains may pass, with water.

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

1. It shall and may be legal for any board of water commissioners of any town, township or borough owning or controlling water-works, to supply dwellers in towns, townships and boroughs, through which their mains may pass, with water; and for that purpose to lay its mains and water-pipes along any road or street in such town, township or borough; *provided, nevertheless*, that such water shall be supplied to such dwellers upon the like or as favorable terms and conditions as water shall be furnished to dwellers within such town, township or borough for the supplying of which with water such water-works shall have been organized or established; *and provided further*, the consent of the municipal authorities of the town, township or borough to be supplied with water shall be first had and obtained.

Supply water to dwellers along line of pipe.

Proviso.

Proviso.

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

Approved March 24, 1899.

CHAPTER 207.

A Further Supplement to an act entitled "An act for the better security of depositors in savings banks," approved April fifth, one thousand eight hundred and seventy-eight.

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

Securities in
which saving
banks may
invest.

Proviso.

Proviso.

1. It shall be lawful for any savings bank in this state to invest its funds in the bonds of any city, county, town or township of this state issued pursuant to the authority of any law of this state, or in the bonds of any borough or village or school district of this state issued pursuant to the authority of any law of this state; *provided*, such borough, village or school district shall not, within the ten years next preceding, have defaulted in the payment of any part of either principal or interest of any legal debt or obligation thereof; *and provided further*, that the total indebtedness of any such borough or village does not exceed ten per centum of its assessed valuation, and such school district bonds are by law charged upon all the property of the inhabitants of such district, or in any interest-bearing obligation (other than obligations commonly known as improvement certificates) issued by the city, county, town, township, borough or village in which such bank or institution is situated.

2. This act shall take effect immediately.

Approved March 24, 1899.

CHAPTER 208.

A Supplement to an act entitled "An act respecting conveyances" (Revision of one thousand eight hundred and ninety-eight), approved June fourteenth, one thousand eight hundred and ninety-eight.

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

1. A deed may be made in the following form or to the same effect : Form of deed.

This deed made the _____ day of _____ in the year _____ between (here insert names and residence of parties) ;

Witnesseth : That in consideration of (here state the consideration) the said _____ doth (or do) grant and convey unto the said _____ all, et cetera (here describe the property and insert covenants or any other provisions) ;

In witness whereof the said party of the first part ha hereunto set _____ hand and seal the day and year first above written ;

Signed, sealed and delivered _____

In the presence of _____

2. Every such deed conveying lands shall, unless an exception be made therein, be construed to include all the estate, right, title, interest, use, possession, property, claim and demand whatsoever, both in law and equity, of the grantor of, in and to the said premises with the appurtenance. What deed to include.

3. Every such deed conveying land shall, unless an exception shall be made therein, be construed to include all and singular the buildings, improvements, ways, woods, waters, water-courses, rights, liberties, privileges, hereditaments and appurtenances to the same belonging or in any-wise appertaining ; and the reversion and reversions, remainder and remainders, rents, issues and profits thereof, and of every part and parcel thereof. Deed construed to include buildings, improvements, etc.

Meaning of
"grantor
releases," etc.

4. Whenever in any deed, there shall be used the words "the grantor (or the said ———) releases to the said grantee (or the said ———) all his claims upon the said lands," such deed shall be construed as if it set forth that "the grantor (or releasor) hath remised, released, and forever quitclaimed, and by these presents doth remise, release and forever quitclaim unto the grantee (or releasee), his heirs and assigns, all right, title and interest whatsoever, both at law and in equity, in or to the lands and premises granted (or released) or intended so to be, so that neither he, nor his personal representatives, his heirs or assigns, shall at any time thereafter have, claim, challenge or demand the said lands and premises, or any part thereof, in any manner whatever."

Effect of "the
said ———
covenants."

5. When a deed uses the words "the said ——— covenants," such covenant shall have the same effect as if it was expressed to be by the covenantor, for himself, his heirs, personal representatives and assigns, and shall be deemed to be with the covenantee, his heirs, personal representatives and assigns.

To warrant
generally.

6. A covenant by the grantor in a deed "that he will warrant generally the property hereby conveyed," shall have the same effect as if the grantor has covenanted that he, his heirs and personal representatives, will forever warrant and defend the said property unto the grantee, his heirs, personal representatives and assigns, against the claims and demands of all persons whomsoever.

To warrant
specially.

7. A covenant by any such grantor "that he will warrant specially the property hereby conveyed," shall have the same effect as if the grantor had covenanted that he, his heirs and personal representatives, will forever warrant and defend the said property unto the grantee, his heirs, personal representatives and assigns, against the claims and demands of the grantor and all persons claiming or to claim by, through or under him.

"With general
warranty" and
"with special
warranty;"
how taken.

8. The words "with general warranty" in the granting part of any deed shall be deemed to be a covenant by the grantor "that he will warrant generally the property hereby conveyed;" the words "with special warranty" in the granting part of any deed shall be deemed to be a covenant by the grantor "that he will warrant specially the property hereby conveyed."

9. A covenant by the grantor in a deed "that he is lawfully seized of the said land," shall have the same effect as if he had covenanted, promised and granted to and with the grantee, his heirs and assigns, that at the time of the sealing and delivery hereof, he, the said grantor, was seized in his own right of an absolute and indefeasible estate of inheritance in fee-simple, of and in all and singular the premises hereby granted, with the appurtenances.

Effect of "he is lawfully seized," etc.

10. A covenant by the grantor in a deed for land "that he has the right to convey the said land to the grantee," shall have the same effect as if the grantor had covenanted that he has good right, full power and absolute authority to grant, bargain, sell and convey the said land, with all the buildings thereon, and the privileges and appurtenances thereunto belonging unto the grantee, his heirs and assigns forever, in the manner in which the same is conveyed, or intended so to be by the deed, and according to its true intent.

"That he has the right to convey," etc., explained.

11. A covenant by any such grantor "that the grantee shall have quiet possession of the said land," shall have as much effect as if he covenanted that the grantee, his heirs and assigns, might at any and all times thereafter, peaceably and quietly enter upon, and have, hold, use, and occupy, possess and enjoy the land conveyed by the deed, or intended so to be, with all the buildings thereon, and the privileges and appurtenances thereto belonging, and receive and take the rents and profits thereof, to and for his and their use and benefit without any let, suit, eviction, interruption, claim or demand whatever of the grantor, his heirs or assigns, or any other person or persons whomsoever lawfully claiming or to claim the same; if to such covenant there be added "free from all incumbrances," these words shall have as much effect as the words "and that the said premises are free and clear, and freely and clearly acquitted and discharged of and from all former mortgages, judgments, executions, and of and from all other incumbrances whatever."

Effect of "that the grantee shall have quiet possession," etc.

"Free from all incumbrances."

12. A covenant by any such grantor "that he will execute such further assurances of the said lands as may be requisite," shall have the same effect as if he covenanted that he, the grantor, his heirs or personal representatives, will, at any time, upon any reasonable request at the charge of the grantee, his heirs or assigns, do, execute, or cause to be done or executed, all such further acts, deeds and things for the better,

Effect of "that he will execute such further assurances," etc.

more perfectly and absolutely conveying and assuring the said lands and premises hereby conveyed or intended so to be, unto the grantee, his heirs and assigns, in manner aforesaid as by the grantee, his heirs, or assigns, his or their counsel in the law, shall be reasonably devised, advised or required.

"That he has done no act to incumber," etc., explained.

13. A covenant by any such grantor "that he has done no act to incumber the said lands," shall have the same effect as if he covenanted that he had not done or executed, or knowingly suffered to be done or executed, any act, deed or thing whereby the lands and premises conveyed or intended so to be, or any part thereof, are or will be changed, charged, altered, affected, defeated, or incumbered in title, estate or otherwise.

Validity of deeds.

14. Any deed or a part of a deed which shall fail to take effect by virtue of this act, shall, nevertheless, be as valid and effectual and shall bind the parties thereto, so far as the rules of law and equity will permit, as if this act had not been enacted.

Approved March 24, 1899.

CHAPTER 209.

An Act relating to certain illegal borough governments, requiring the payment of their debts. .

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

Attempted organization of a borough declared unconstitutional, hereby created a borough.

1. Every attempted organization by the inhabitants of any portion of the territory of this state of a borough or borough commission under the provisions of any act of the legislature of this state since declared unconstitutional or repealed, and which attempted borough organization incurred debts which have not been paid, and which attempted borough organization is not now a de facto or de jure government exercising corporate powers, is hereby created a borough by its former name, and as such borough shall be a body corporate in fact and in law and governed by the general laws of this state relating to and regulating the government of

boroughs, and shall have all the powers therein conferred and be subject to all the duties thereby imposed; it shall retain, hold, possess and enjoy, and be absolutely invested with all the property heretofore possessed and enjoyed by the said attempted borough organization, and shall be responsible and liable for all contracts, debts, bonds and obligations of the said attempted borough organization which have been made or incurred under the provisions of any act or acts of the legislature, whether or not such act or acts lawfully conferred the power to make and incur the same; all ordinances, acts and proceedings heretofore passed, and all taxes made and imposed by any such attempted borough organization in substantial compliance with any statutes of this state, are hereby validated and confirmed.

Powers, duties,
etc.

Proceedings,
taxes, etc.,
validated.

2. The last presiding officer and members of the last governing body, and the last clerk residing within the borough limits of every such attempted borough organization, shall be the mayor and councilmen and borough clerk of the borough hereby created, and shall continue in office until the next succeeding annual borough election; the said mayor and councilmen shall, by appointment, fill all other offices required by the provisions of the general borough laws of this state, until the next annual borough election, at which time there shall be elected all the officers provided for in said borough laws.

Officers.

3. This act being necessary for the protection of the inhabitants and creditors of such attempted borough organizations, shall be construed in the most liberal manner by all courts of judicature.

Act, how
construed.

Passed March 24, 1899.

CHAPTER 210.

An Act to prevent the pollution of the waters of this state by the establishment of a state sewerage commission, and authorizing the creation of sewerage districts and district sewerage boards, and prescribing, defining and regulating the powers and duties of such commission and such boards.

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

State sewerage
commission;
how composed,
term.

Vacancies.

Oath.

1. It shall be the duty of the governor, within thirty days next succeeding the approval or passage of this act, to appoint by and with the advice and consent of the senate, five citizens of this state, to compose and be known as "the state sewerage commission;" in the original nomination of the members of said commission to the senate, the governor shall designate one of them to serve for one year, and two for two years and two for three years; and, thereafter, the members of said commission shall be appointed by the governor, by and with the advice and consent of the senate, for the term of three years and until their successors are duly appointed, confirmed and qualified; any vacancy occurring in said commission when the legislature is not in session shall be filled by appointment of the governor, until the next regular session of the legislature, when such vacancy shall be filled in the manner hereinbefore provided; but any such last-mentioned appointment and confirmation by the senate shall be for the unexpired term only; members of said commission, before entering upon the duties of their office, shall make and subscribe an oath or affirmation (before some person authorized by the laws of this state to administer the same) to truly, faithfully and impartially perform and discharge the duties of their office according to law and file the same with the secretary of state; the terms of office of the members of said commission (except those appointed by the governor to fill vacancies as aforesaid)

shall commence on the first Monday of May next succeeding their appointment by the governor and confirmation by the senate; on the first Monday of May next succeeding the original appointment of said commission, the members thereof shall meet at the state house in the city of Trenton, and organize by the election of one of their number to be chairman of said commission and one to be treasurer thereof, which officers shall hold office at the pleasure of the commission; after having so met and organized, subsequent meetings of the commission shall be held at such times and places as the commission may direct or as it may be called to meet by the chairman.

Organization.

2. Said commission shall keep a record of all its proceedings and transactions, also full and accurate account of its receipts, disbursements, expenditures, assets and liabilities and shall annually report to the legislature its operations, proceedings and transactions for the preceding year, with a statement or abstract of such receipts, disbursements, expenditures, assets and liabilities.

Record and annual report.

3. The members of said commission shall each receive an annual salary of one thousand dollars, to be paid as other salaries of state officers are paid; said commission may have a secretary (not a member of the commission), to be appointed by the commission, or a majority thereof, who shall hold his office at the pleasure of the commission, or a majority thereof, and receive such salary as the commission, or a majority thereof, with the approval of the governor may fix; said commission, or a majority thereof, may also from time to time employ or appoint such experts, engineers, officers, agents, employes, workmen and servants, as it may deem necessary or proper, to enable it to perform its duties and carry out the objects and purposes of this act; and said commission, or a majority thereof, may fix and determine the duties and compensation of said experts, engineers, officers, agents, employes, workmen and servants, and remove or discharge the same or any of them at pleasure.

Salary.

Employ experts, engineers, etc.

Fix duties and compensation.

4. It shall be the duty of the secretary to keep a record of all the proceedings and transactions of the commission, to prepare the annual report to the legislature and perform such other duties as the commission may require; it shall be the duty of the treasurer to take charge of the moneys received by the commission, to keep accurate accounts of the receipt and disbursement thereof, and to deposit and pay out said

Duties of secretary and treasurer.

moneys as the commission may direct, and under such rules and regulations as it may from time to time establish; the treasurer may be required to give bond to the commission for the due and faithful performance of his duties as such treasurer, in such sum and with such sureties as the commission, or a majority thereof, may require and approve.

Duty of
commission.

5. It shall be the duty of said commission to investigate the various methods of sewage disposal, either in this country or elsewhere, in order that they may be able to make proper recommendations in regard thereto; they shall investigate all complaints of pollution of the waters of this state which shall be brought to their notice, and shall advise as to the best methods of sewage disposal, in order to prevent such pollution.

Unlawful to
build sewer so
as to pollute
streams.

6. It shall be unlawful for any person, corporation or municipality to build any sewer or drain or sewerage system from which it is designed that any sewage or other harmful and deleterious matter, solid or liquid, shall flow into any of the waters of this state so as to pollute or render impure said waters, except under such conditions as shall be approved by the state sewerage commission; *provided*, that the provisions of this section shall not be deemed to prohibit the use or extension of existing sewers, drains or sewerage systems.

Proviso.

Discharge of
the effluent of
sewage-plant.

7. It shall be unlawful for any person, corporation or municipality to build or cause to be built any plant for the treatment of sewage or other polluting substance from which the effluent is to flow into any of the waters of this state, except under such conditions as shall be approved by the state sewerage commission, to whom the plans shall be submitted before building.

Information re-
garding sewage
disposition.

8. On or before the first day of January, one thousand nine hundred, and thereafter, whenever required by said commission, the mayor of every municipality and the chairman of every township committee of every township now having, using, owning, leasing or controlling a sewerage plant or system, shall furnish to said commission, on blanks to be provided by said commission, a statement showing the disposition made of the sewage of their respective municipalities or townships, and as near as possible, the amount discharged each twenty-four hours, and such other information and data as may be called for by said blanks to be provided as aforesaid by said commission.

9. The words "waters of this state," as used in this act, shall be held and construed to mean and include any and all waters of any pond, lake, creek, inlet, bay, estuary, river or stream of this state.

"Waters of this state" explained.

10. To enable said commission to carry out and enforce the provisions of this act, the said commission may expend a sum not exceeding five thousand dollars, when duly appropriated.

Expenditure.

11. And whereas, in order to prevent the pollution of the waters of this state, it is deemed necessary to establish a proper system or systems of sewerage and drainage wherein may or may not be included a system or systems of sewage-disposal works for the scientific treatment and proper disposal of sewage and sewage matter and the effluent thereof, and the establishment of any such system or systems may render proper or necessary the formation or creation of sewerage districts embracing portions or the whole of the territory of two or more of the municipalities of this state, within which districts such system may be constructed, maintained and operated, and such municipalities may be unable, through lack of power and authority, or otherwise, to agree upon the establishment of any such system or systems or upon the extent or limits of the territory of their respective municipalities to be included in any such district or districts and devoted to the uses and purposes of any such system or systems as aforesaid; therefore, upon presentation to said the state sewerage commission of a petition in writing, setting forth that in order to prevent the pollution of the waters of this state, or any of them, it is proper or necessary that portions or the whole of the territory of two or more of the municipalities of this state should be erected into a sewerage district for the construction, maintaining and operation within such district of a system of sewerage and drainage or a system of sewage-disposal works, or of both such systems, and naming each municipality, the whole or any portion of the territory whereof it is proposed shall be included in such district and stating generally the boundaries and outlines of such proposed district with sufficient exactness to show approximately the quantity or extent of territory of each municipality to be embraced in such proposed district and requesting said commission to create and establish such district for either or both of the purposes aforesaid; and if said petition be signed by the mayors or other chief executive officers of all of the municipalities

Sewerage districts.

Petition to sewerage commission.

Public hearing ;
notice of.

Notice to
executives of
municipalities.

named in said petition, any of whose territory is proposed to be included in said district, said signatures being respectively affixed to said petition by authority or direction of the respective governing bodies of such municipalities (full power and authority to authorize and direct the signing of any such petition being hereby conferred upon and vested in all such governing bodies), and the signing of said petition by such authority or direction, being made to appear by affidavit or other due proof thereof, it shall be lawful for said the state sewerage commission to appoint a time and place when and where it will attend and give public hearing of the matters contained in said petition to all persons and parties interested therein ; said commission shall cause at least twenty days' notice to be given of the time and place of any such hearing by publishing the same in a newspaper or newspapers, if any, published within said proposed district, and if none be published therein, then, in a newspaper or newspapers published in the neighborhood of said proposed district and circulating therein ; said notice may also, at the discretion of said commission, be published in a newspaper or newspapers published outside of said proposed district, whether or not any paper or papers be published within the same ; said commission shall also, at least ten days prior to the day fixed for such hearing, cause notice of the time and place thereof to be mailed to or served upon the mayor or other chief executive officer of any and all municipalities named in said petition, any territory whereof is included in said proposed district ; and said commission may, if it deem proper so to do, require a copy of said petition to be mailed to or served upon such mayors or other chief executive officers such number of days prior to said hearing as it may direct ; said hearing may be adjourned from time to time as said commission may decide ; the sessions of said commission on said hearing, or any adjournment thereof, when sitting for the taking of testimony or hearing argument of counsel, shall be open and public and witnesses may be examined under oath or affirmation, which any member of said commission or the secretary thereof is hereby authorized and empowered to administer ; the secretary of said commission shall attend at all such hearings and keep minutes of the proceedings thereat ; said commission may, if it deem proper so to do, employ a stenographer to take and transcribe the testimony produced before it at any such hearing ; and said commission may require the

persons or parties presenting to it any such petition as afore-said to pay in advance or assume or guarantee to pay all or such part of the costs, charges and expenses to be made or incurred by reason of the filing of said petition and subsequent proceedings to be had thereupon or thereunder, as said commission may think proper.

Expenses of proceedings.

12. If, after such hearing, said commission, or a majority thereof, shall deem it advisable to comply with the request of said petition, and that a district for the purpose or purposes, or either of them therein stated, should be created and established, said commission shall adopt a resolution to that effect, defining the limits and boundaries of such district with certainty and declaring the territory included within such limits and boundaries to be a sewerage district, within which a system of sewerage and drainage, or a system of sewage-disposal works, or both, may be constructed, maintained and operated under the provisions of this act; the said district shall be called and known as "sewerage districts," and the boards to construct, maintain and operate the system or systems of sewerage or sewage-disposal works within such districts shall be called and known as "sewerage boards"; in and by said resolution, said commission shall assign to the district therein and thereby established a name and number, thus, "sewerage district number ———," and shall also specify the name by which the board thereafter to be elected in such district shall be called and designated, thus, "sewerage board of district number ———," the number of any such district and that of the sewerage board therein to be always the same; the first sewerage district created and established under this act shall be "sewerage district number one," the second, number two, and so on in regular order as the same may be respectively created; said commission shall also cause a map to be prepared of said district so created and established, whereon and whereby shall be shown with accuracy the limits and boundaries of such district, of what municipalities the lands included in said district form a part and what extent or quantity of territory of each municipality (whether the whole or a portion thereof) is included in said district; the original of said map shall be filed with said commission, and within ten days after the adoption of said resolution, a copy thereof and of said map shall be filed in the office of the secretary of state and in the clerk's office of each county in which any of the lands included in said district

District boundaries.

Designation.

"Sewerage boards."

District number.

Prepare maps.

may be situate; and from and after the filing of such resolution and maps as aforesaid, the territory included in said district as stated and shown in and by said resolution and map shall be deemed to be and constitute a sewerage district by the name and number and for the purposes stated in said resolution.

Membership of
sewerage boards.

Proviso.

Organization,
officers, etc.

13. The members of the several sewerage boards shall consist of two members from each municipality, in whole or part, within the sewerage district, to be appointed by the governing body of each of such municipalities, and one member to be appointed by the state sewerage commission; all of whom shall be residents of the district; *provided*, that in case more than three municipalities shall be included in whole or part in any sewerage district, there shall be but one member from each municipality in addition to the number appointed by the state sewerage commission.

14. The members of any district sewerage board first appointed shall meet at such time and place as the state sewerage commission shall designate; each member of said board (and all members thereof afterwards appointed thereto) shall take and subscribe an oath or affirmation, before some person authorized to administer the same, to faithfully and truly perform his duty as member of such board to the best of his ability, and within two days after making thereof forward the same to the secretary of state; said board, when met as aforesaid (the members thereof having each made and subscribed said oaths or affirmation) shall organize by the election of one of their number as chairman, one as secretary and one as treasurer; the members of said board shall serve for the term of three years each, and the terms of such members shall commence on the date of their first meeting as designated by the state sewerage commission; the chairman, secretary and treasurer of said board shall respectively serve for the period of one year and until their successors are elected; a certificate or statement of such meeting and organization of said board shall, on the day of such meeting, be prepared and mailed to the secretary of state, to be filed in his office; meetings of said board subsequent to such first meeting for organization shall be held at such times and places as the board may decide or as it may be called to meet by the chairman.

Body corporate:
powers, etc.

15. From and after such meeting and organization of said board and the filing of such certificate as aforesaid, said

board shall be deemed to be and shall be a body politic and corporate, under the same name and title as that designated and specified in the resolution of the state sewerage commission creating and defining the said sewerage district, to wit, "sewerage board of district number ———," and by such name and title said sewerage board shall have perpetual succession, with power to sue and be sued and the right, power and authority to acquire, hold, use and dispose of all such property, real or personal, as may be proper or necessary for the objects, uses and purposes for which said sewerage board was created, and with all other powers necessary or incident to bodies politic and corporate or that may be necessary or proper to carry out and effectuate the objects and purposes of this act and the objects and purposes for which said sewerage board was created.

16. Any such board incorporated as aforesaid shall have full power and authority within its respective district, under the supervision, direction and control of the state sewerage commission as hereinbefore or hereinafter provided, to construct, maintain and operate in said district a system of sewerage and drainage, or of sewage-disposal works, or both, with the necessary pipes, drains, conduits, fixtures, pumping works, and other appliances for the purpose of taking up sewage and all other offensive and deleterious matter and convey the same to some proper place or places of deposit or disposal to be selected by the said board, there to be deposited, treated, disinfected or disposed of as to the said board may seem proper and as may be deemed most advantageous; and it shall be the duty of all persons and all corporate bodies and municipalities owning or controlling sewers or drains or having charge thereof within the limits of the district wherein intercepting or main sewers have been or may be constructed by the said board as herein provided, to cause the same to be connected therewith; and it shall be the duty of said board in constructing such main or intercepting sewers to have them so constructed that such connection can be made therewith at all necessary and proper points and places; all such connections shall be made in accordance with the rules and regulations from time to time adopted by the said board in relation thereto, and under the direction and supervision of its officers and agents.

Power of sewerage board to construct, etc., system of sewers, etc.

Connections.

17. The said board shall have power and authority to purchase and acquire all lands, rights or interests in lands,

Power to purchase lands, etc.

If unable to agree with owners, condemnation proceedings may be had.

which may be deemed necessary for the construction of sewers, drains, disposal pumping and other works authorized by this act; and if in any case the said board shall be unable to agree with the owner or owners of any lands, rights or interests in lands deemed necessary by the said board in the construction of the works herein authorized, or when, by reason of the legal incapacity or absence of such owner or owners, no agreement can be made for the purchase thereof, the lands or rights in lands so desired shall be acquired in the manner provided by the general laws of this state relating to the condemnation of lands for public use.

Right to make preliminary survey.

18. Before determining upon the final plan or route for the building or construction of any work authorized by this act, the said board may, by its officers, agents, servants and employes, enter at all times upon any lands or waters for the purpose of exploring, surveying, leveling and laying out the route of any drain or sewer, locating any disposal, pumping or other works, establishing grades and doing all necessary preliminary work, doing, however, no unnecessary damage or injury to private or other property.

Rights necessary in constructing sewers, etc.

19. The said board shall have power and authority to construct any sewer or drain, by it to be made or constructed, under or over any water-course, under, over or across or along any street, turnpike, road, railroad, highway, or other way, and in or upon private or public lands under water, in such way and manner, however, as not unnecessarily to obstruct or impede travel or navigation, and may enter upon and dig up any road, street, highway or private or public land, for the purpose of laying down sewers and drains upon or beneath the surface thereof, and for maintaining and repairing the same, and in general, may do all other acts and things necessary, convenient and proper for the purposes of this act; and whenever the said board shall dig up any road, street, or way as aforesaid, it shall, as far as practicable, restore the same to as good condition and order as the same was when such digging commenced.

Change water-courses and street grades.

20. The said board shall have power and authority also to alter or change the course or direction of any water-course, and with the consent of the board or body having control of the streets and highways in any city, town or municipality, to alter or change the location or grade of any highway, public street or way crossed by any sewer or drain con-

structed or to be constructed under the provisions of this act, or in which such sewers or drains may be located.

21. The said board shall at all times keep full and accurate accounts of its receipts, expenditures, disbursements, assets and liabilities, and shall annually make a report of its operations and doings, in which report it shall include an abstract of such receipts, expenditures, disbursements, assets and liabilities, and publish the same in one or more newspapers published in each of the counties in said district.

Accounts kept
and published.

22. To provide for the payment of the costs and expenses incurred or to be incurred by the said board in making the constructions and executing the work and performing the duties imposed upon it by this act, it shall have power and authority from time to time to issue bonds in its corporate name, not to exceed in amount such costs and expenses and not to exceed that part of such cost and expense incurred in the work of constructing sewers, drains, disposal and other works, including the cost of lands, rights and interests in lands, of which a separate account is to be kept by said board as hereinafter provided; such bonds shall be of the form and payable at such time, not exceeding thirty years from the date thereof, and at such place, either in currency or coin, as the said board may determine; they shall bear interest at a rate not exceeding five per centum per annum; in issuing such bonds the said board may, in its discretion, make the same, or any part thereof, fall due at stated periods less than thirty years, or may reserve therein an option to redeem and pay the same, or any part thereof, at stated periods at any time between the date thereof and the date at which they would otherwise fall due, and all such bonds may be negotiated, sold or disposed of at not less than their par value, and the same or the proceeds thereof may be used by the said board for the purpose aforesaid.

Bonds issued to
provide for
costs, etc.

Form of bonds,
time, rate, etc.

23. The said board shall keep the costs and expenses of the construction of sewers, drains, disposal and other works, in which shall be included the cost of lands, rights and interests in lands, separate from the costs and expenses of maintenance, operation and repairs, and shall, after having prepared and adopted plans (which, however, the board or the state sewerage commission shall have the power to change or modify, if such change or modification shall be found necessary or desirable), make a careful estimate of the cost and expense of such construction, and shall divide and

Costs of con-
struction kept
separate from
maintenance.

Expenses of
construction
divided between
municipalities
benefited.

In case of
dissatisfaction.

Application
to judge of
supreme court.

Commissioners
appointed;
proceedings.

apportion the same, according to their best judgment, to and between the several municipalities or parts thereof (if any) included within such sewerage districts ratably and proportionally to the benefits received or to be received by such municipalities or parts thereof from such construction, and shall furnish to the governing body of each and every municipality, the whole or any part whereof is included in such sewerage district, a statement of such estimated cost and expense and of the division and apportionment thereof as aforesaid, and service of said statement upon the mayor or other chief executive officer or upon the clerk of any such municipality shall be deemed to be a service upon the municipality; if the governing body of any such municipality (whether a whole or only a part thereof is included in such sewerage district) shall be dissatisfied with such division and apportionment and shall within twenty days after service thereof as aforesaid express such dissatisfaction by a resolution adopted by a majority of such body, then it shall be lawful for such body, in the corporate name of such municipality, to make application to any justice of the supreme court of this state for the appointment of three disinterested persons residents of this state, commission to review such division and apportionment, and correct, amend, revise, alter or confirm the same, as they or a majority of them shall deem just and proper, and it shall be the duty of said justice to make such appointment; the commissioners so appointed (having respectively taken and subscribed an oath or affirmation before some person authorized to administer the same faithfully and impartially to perform the duties imposed upon them by), shall forthwith, at such time and place as they or a majority of them may appoint, and upon such notice as the said justice in the order appointing said commissioners shall direct to be given, hear the parties interested in said matter and such proofs and witnesses as may be produced before them; said commissioners may adjourn said hearing from time to time as occasion may require; on any such hearing the parties, if they so choose, may be represented by counsel, and the witnesses may be examined under oath or affirmation, which any of said commissioners are hereby authorized to administer; said commissioners may designate one of their number to act as chairman and one to act as clerk or secretary; at the conclusion of such hearing, and within ten days thereafter,

said commissioners or a majority of them shall correct, amend, revise, alter or confirm such division and apportionment as they or a majority of them shall deem just and proper under the evidence and proofs produced before them, and shall make and sign a statement or certificate thereof, which statement or certificate shall be final and conclusive and binding upon all parties; the application for the appointment of such commissioners, the order of the justice appointing them, the oath or affirmation of said commissioners and their said statement or certificate shall, within two days after the making of such statement or certificate, be filed with the secretary of the sewerage board which made the division or apportionment reviewed by said commissioners; and such sewerage board, within five days after the filing of such statement or certificate as aforesaid, shall cause a certified copy thereof to be served in manner aforesaid upon each of the municipalities that the original division and apportionment made by said sewerage board was served upon, which certified copy so served shall be in lieu and stead of that originally served, and (as aforesaid) be final and conclusive and binding upon all parties; if, in any case, where only a part of a municipality is included in a sewerage district, the governing body of such municipality shall not within said twenty days after service upon it of any such original statement as aforesaid, adopt a resolution expressing its dissatisfaction as aforesaid provided, then, and in every such case, it shall and may be lawful for one or more of the residents and taxpayers, or residents and non-resident taxpayers of said sewerage district, to join in such application as aforesaid, to any justice of the supreme court for the appointment of commissioners to review, as aforesaid, the said division and apportionment, and thereupon the said justice may, in his discretion, appoint such commissioners, and if such appointment be made, said commissioners shall proceed in the same manner, and the proceedings before them had shall be similar to those hereinbefore provided, and the statement or certificate of said commissioners made upon any such last mentioned application shall be final and conclusive and binding upon all parties.

24. The said sewerage board shall also in the manner hereinbefore directed serve upon or furnish to each of said municipalities, after every issue and sale of bonds, a statement of the amount of such bonds and the date of interest

Their findings
binding.

Copies served
upon municipali-
ties interested.

When only
portion of a
municipality
is affected.

Allotment of
bonds; provision
for meeting same
by taxation.

thereon, and the proportion thereof allotted to each municipality (where such municipality is entirely within the sewerage district) or (where only a part of the municipality is included in the sewerage district) of the proportion of such division and apportionment allotted to the part of the municipality in said sewerage district; and it shall be the duty of each of said municipalities and of its proper officers in the next annual tax levy made in such municipality and in each succeeding year thereafter, to include and raise by taxation the amount required to pay the interest on the proportion of such bonded indebtedness allotted to such municipality or part thereof, as the case may be, and if such municipality be entirely within such sewerage district, then it shall be the duty of such municipalities to cause to be levied and assessed therein a sum equal to the amount of interest so apportioned and allotted to such municipality, together with such additional sum, to be divided and apportioned and allotted to and between said municipalities or parts thereof as aforesaid, as may be necessary to establish and maintain a sinking fund sufficient to pay the principal of the bonds issued by the said sewerage board under authority of this act, when the same fall due; if only a part of the municipality be included in the sewerage district, then it shall be the duty of such municipality and its proper officers, instead of levying and assessing the same upon the whole municipality, to cause in manner aforesaid the sum or sums that may as aforesaid be apportioned and allotted to such part of the municipality as is included in the sewerage district, to be levied and assessed in and upon such part of the municipality as is included in the sewerage district, in the same manner as other taxes may be levied and assessed therein; and it shall be the duty of all taxing officers and all collecting officers in the said municipalities to levy, assess and collect the said amount or sums so to be raised in such municipalities or parts thereof as the case may be; and it shall also be the duty of the collector of taxes in each of the said municipalities or other proper officer, to pay to the sewerage board thereunto entitled the money so levied, assessed and collected; after each census, state or national, a new allotment shall be made of the sinking fund or redemption fund in the manner herein provided.

In case part of
municipality
only is included;
how assessments
are made.

25. As soon as the work of construction by this act authorized (or the cost and expense of which a preliminary estimate shall have been made as herein provided) has been completed, the said board shall proceed at once to ascertain the actual cost and expense of such work, and shall furnish to each of the said municipalities or municipal divisions a statement of such cost and expense.

Statement upon
completion
of work.

26. The cost of maintenance, operation and repairs, together with the cost of supervision, and all other expenses of every kind not included in the cost and expense of construction, shall be annually estimated by the said board and divided and apportioned between the said several municipalities or parts thereof upon the same basis as herein provided for the division of the cost and expense of construction; and that the same, when so divided and apportioned, shall be levied, assessed, collected and paid annually in the same manner provided for the levying, assessment and collection of the cost and expense of construction; *provided, however*, that if at the end of any year when such cost and expense shall have been accurately ascertained, such estimate shall be found to have been more or less than the proper proportion of any such municipality, then the surplus or deficiency, as the case may be, shall be deducted from or added to the sum to be levied, assessed and collected for the succeeding year.

Maintenance.

Proviso.

27. The said board shall, immediately after receiving from the said municipalities, or either of them, or from the collector or treasurer of any such municipality, any moneys on account of the apportionment made, as hereinbefore provided, or as soon thereafter as practicable, cause the same to be invested in securities, the character of which shall be the same as required by law for savings banks of this state, except so much thereof as may be required to pay interest due or to fall due during the current year; and all such funds, and the securities in which the same or any part thereof shall be invested, and the interest received therefrom, shall be held, used and applied by the said board as a sinking fund to meet and pay the interest and principal on the bonds issued by the said board under the authority of this act, and for no other purpose whatever, until all such bonds and all arrears of interest thereon are fully paid; it shall be the duty of said sewerage board to include in its annual report the amount of money received by it for the

Sinking fund.

	purposes aforesaid, the sources from which such money was received, and the investment of the same; and the said board shall keep a record and account of all bonds issued by it, when the same fall due, the time and place of payment, and the rate of interest thereon, and of the amount received on the sale or disposition thereof, and shall also keep an account of all moneys invested, held and used as a sinking fund, and of the securities in which the same may be invested; the books, records, accounts, papers and documents of the said board shall be open to the inspection of any person appointed by the governing body of any municipality within said district to inspect the same; <i>provided, however,</i> that in case the said board shall issue bonds which shall fall due and become payable at stated periods less than thirty years, or shall retain in any such issue the option to redeem bonds prior to the date at which they would otherwise fall due as hereinbefore provided, then it shall be lawful for the said board to make application of the moneys received by it from the several municipalities and of the funds temporarily invested by the said board so received, for the purpose of paying off and discharging the said obligations according to their tenor and effect.
Proviso.	
Providing for maturing bonds.	28. During the year preceding the year in which the bonds issued under the authority of this act shall fall due the said board shall cause a careful computation to be made of the moneys that will be available for the payment of the same, and if it shall be found that any deficiency will exist in the fund that will be available therefor, after the application of moneys received and the use of all securities held, such deficiency shall be apportioned and allotted to the said municipalities in the same manner and upon the same basis as the original apportionment, and shall be added to the amount so levied, assessed, collected and paid by the said municipalities respectively in the succeeding year; and if any excess shall be found to exist in such fund, the surplus shall be credited to each of the said municipalities in the same proportion and deducted from future estimates of the respective shares or proportions of such municipalities of the cost and expense of maintenance, operation and repairs.
If deficiency.	
If surplus.	
Employment of engineers, workmen, etc., by sewerage board.	29. In and about the performance and discharge of the duties imposed upon it by this act, any such sewerage board as aforesaid, or a majority thereof, may employ such experts, engineers, contractors, officers, agents, employes, clerks, work-

men and servants as it may deem necessary or proper to enable it to perform its duties and carry out the objects and purposes of this act; and said board, or a majority thereof, may fix and determine the duties and compensation of such experts, engineers, contractors, officers, agents, employes, clerks, workmen and servants and remove or discharge the same or any of them at pleasure.

Duties and compensation.

30. The secretary of any such sewerage board shall keep a record of all the proceedings and transactions of said board; under the direction of said board he shall prepare the estimate, division and apportionment provided for in section twenty-six hereof; he shall prepare the annual report of said board and perform such other duties as the board may from time to time require; the secretary shall receive an annual salary, to be fixed by the board, or a majority thereof, but he shall not receive any per diem allowance.

Duty of secretary of sewerage board.

Salary.

31. The treasurer of any such sewerage board shall have charge and custody of all moneys and securities received or owned or held by said board; he shall keep accurate record and account of the receipt, disbursement and disposition of all such moneys and securities, and invest, deposit, dispose of, disburse and pay out the same at such times and in such manner as the board may direct, and under such rules and regulations as it may from time to time establish; the treasurer shall give bond to such board for the due and faithful performance of his duties as such treasurer in such sum and with such sureties as the board, or a majority thereof may require; the treasurer shall receive an annual salary, to be fixed and determined by the board, or a majority thereof, but he shall not receive any per diem allowance.

Duty of treasurer of sewerage board.

Salary.

32. The members of any such board, except the secretary and treasurer thereof, when actually engaged in and about the business of said board shall receive a per diem compensation of five dollars; said per diem compensation, and the salaries to be paid the secretary and treasurer, shall be included in said estimate hereinbefore mentioned.

Compensation of sewerage board.

33. Any such sewerage board is authorized and empowered to rent an office or offices as may be required for the due transaction and carrying out of its work and duties, and to properly equip and furnish such office or offices, the expense thereof to be included in said estimate mentioned in section twenty-six hereof.

Office.

34. This act shall take effect immediately.

Approved March 24, 1899.

CHAPTER 211.

An Act to amend an act entitled "An act concerning district courts" [Revision of 1898], approved June fourteenth, one thousand eight hundred an ninety-eight.

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

Section
amended.

1. Section seven of the act to which this is an amendment is hereby amended so as to read as follows :

Clerk ; appoint-
ment and term.

7. The clerks of each district court shall be appointed by the judge thereof, and shall hold office during the pleasure of the judge thereof or until the appointment and qualification of his successor, and such clerk shall be the legal custodian of all books, papers, records, seal and all property appertaining to said court.

Section
amended.

2. Section thirty-six of the act to which this is an amendment is hereby amended so as to read as follows :

Who may appear
as counsel.

36. No person, except in his own case or in the case of an infant, shall be permitted to appear and prosecute or defend any action in any district court but such as is an attorney-at-law, licensed by the supreme court of this state ; the judge of any district court may practice in any court of this state, except in another district court or in the circuit court in cases of appeals taken from a district court.

Section
amended.

3. Section fifty-two of the act to which this is an amendment is hereby amended so as to read as follows :

Recognizance.

52. The recognizance directed in the preceding section of this act shall be entered into by the defendant with at least one surety, having sufficient freehold and residing in the county, to the plaintiff in said action, in the amount of the demand specified in the warrant, according to the effect and meaning of the following form :

Form of.

" City of ——— county of ——— ;

" Whereas, A B hath been arrested and is now in custody, by virtue of a warrant issued out of ——— district court of the city of ———, at the suit of E F, in an action of ——— for the sum of ——— ; now, be it remembered,

that on the ——— day of ——— in the year of our Lord one thousand eight hundred and ———, the said A B and G H, of the ——— of ———, in the county of ——— and state of New Jersey, personally appeared before me, and jointly and severally acknowledged themselves to owe to the said E F the sum of ———, to be made and levied of their several goods and chattels, upon condition that if the said A B shall not appear on the ——— day of ——— next, before the said court, or if he does appear and judgment is rendered against him in the said action, he shall pay the said judgment and the costs of said action or surrender himself to the constable or sergeant-at-arms, on the execution to be thereafter issued against him, and if he fails so to do, that he, the said G H, will pay the said judgment and costs for him, or in default thereof suffer judgment to be rendered against him for the same.

“Acknowledged the day and year last above said, before me, C D, the judge of the ——— district court in and for the said city of ———;” which recognizance shall be filed with the clerk of said court; and in case the judge of said court shall not attend or be present to take such recognizance, another judge of any district court attending is hereby empowered to take the same, for the benefit of the plaintiff in the suit.

4. Section sixty-seven of the act to which this is an amendment is hereby amended so as to read as follows:

Section
amended.

67. In every suit to be instituted before any judge of any district court by virtue of this act, and in every appeal to be made before any circuit court, it shall and may be lawful for any judge of any district court or circuit court, as the case may be, with the assent and at the request of the parties, to enter rules of reference of the matters in difference to such person or persons as the parties shall choose, and to insert their agreement in their submission or the condition of the bond or promise whereby they oblige themselves respectively to submit to the award of umpirage of any person or persons; which agreement being so made and inserted in their submission or promise, or condition of their respective bonds, shall or may, upon producing an affidavit thereof, made by the witnesses thereunto, or any one of them, and reading and filing the said affidavit in court, be entered of record in said court, and a rule shall thereupon be made by said court that the parties shall submit to and finally be concluded by the arbi-

Reference to
arbitration.

Affidavit entered
of record.

Disobedience
to arbitration.

tration or umpirage which shall be made concerning them by the arbitrators or umpire pursuant to such submission; and in case of disobedience to such arbitration or umpirage, the party refusing or neglecting to perform and execute the same, or any part thereof, shall be subject to all the penalties of contemning a rule of court when he is a suitor or defendant in such court, and the court, on motion, shall issue process accordingly, which process shall not be stopped or delayed in its execution by any order, rule, command or process of any other court, either of law or equity, unless it shall be made to appear, on oath or affirmation to such court, that such arbitrators or umpire misbehaved themselves, and that such award, arbitration or umpirage was procured by corruption or other undue means.

When arbitra-
tion void.

I. Any arbitration or umpirage procured by corruption or undue means shall be judged and esteemed void and of no effect, and accordingly be set aside by the court, so as complaint of such corruption or undue practice be made in the court where the rule is made for submission to such arbitration or umpirage;

Confirmed
report final.

II. Whenever a cause shall be referred by rule of court to referees, the report or award of such referees, or of the major part of them, if confirmed by the court, shall be final and conclude the parties; and if any sum be thereby found for the plaintiff or plaintiffs, judgment shall be entered and execution issued for the same, with costs; and if the referees, or the major part of them, report any sum to be due to the defendant or defendants, and the report be confirmed, then judgment shall be entered, and execution against the plaintiff or plaintiffs for the sum so reported to be due to such defendant or defendants, with costs;

Oath of referee.

III. In every cause referred by rule of court, each referee shall, before he proceeds to the business of the reference, take an oath or affirmation faithfully and fairly to hear and examine the cause in question, and make a just and true report according to the best of his skill and understanding; which oath or affirmation any judge of any court of record of this state is hereby authorized and required to administer;

Oath of
arbitrator.

IV. In all cases of arbitration, every arbitrator shall, before he proceeds to the business submitted to him, take an oath or affirmation of the like nature with that hereinbefore prescribed to be taken by referees and to be administered in like manner;

V. In every cause referred by rule of court, process of subpoena may issue out of said court to convene witnesses before the referees, and the said witnesses shall be examined on oath or affirmation, which oath or affirmation the referees in the said cause are hereby authorized to administer; and there shall be allowed to every such referee one dollar for every day necessarily spent in the business of the reference, besides a reasonable allowance for his expenses, which, in the first instance, shall be paid by the prevailing party, and shall afterwards be allowed to such party in the taxation of costs, where costs are recoverable;

Examination
of witnesses.

Compensation.

VI. In all cases of arbitration it shall be lawful for any judge of any district court within the city wherein such arbitration may be to issue subpoena for witnesses to appear before the arbitrator or arbitrators, and for him or such arbitrator or arbitrators to swear or affirm such or any other witnesses before the same; and if any such witness does not appear when so subpoenaed, or if appearing shall refuse to be sworn or affirmed and give evidence, he shall be liable to the same fines and penalties as he would be by laws for such default or refusal if committed in any court of record of this state.

Subpoenas for
witnesses.

5. Section eighty-eight of the act to which this is an amendment is hereby amended so as to read as follows:

Section
amended.

88. Whenever an execution against goods and chattels shall issue in any such suits or actions upon a bill or note, as hereinbefore provided, it shall be the duty of the constable or sergeant-at-arms, after making a levy upon the property liable to execution, to make the money out of property of the person or persons principally liable as between themselves for its payment, if it can be done before selling the property of the person or persons secondarily liable, and for the information of such officer, it shall be the duty of the clerk of said court, under and by the direction of the judge thereof, to indorse on the execution the order in which the defendants, according to the terms of the bill or note, are liable as between themselves for its payment; and if judgment be paid by a defendant or defendants secondarily liable as between themselves, it shall not be considered satisfied as against the defendant or defendants liable over on the bill or note to the defendant making such payment, but he shall have (on application to said district court, giving two days' notice thereof to the other parties to the judgment and subject to such regu-

Duty of officer
making levy.

Indorsement on
execution.

lations as may be imposed) the full benefit and control of such judgment for the purpose of compelling repayment, and on this application the said court may order an issue to try the questions in controversy.

Section
amended.

6. Section eighty-nine of the act to which this is an amendment is hereby amended so as to read as follows:

Certiorari not
allowed when
appeal lies.

89. Where the court has jurisdiction, no judgment in any district court from which an appeal is given to the circuit court by this act shall be removed into the supreme court by certiorari or otherwise, for the correction of any supposed error therein; but the party thinking himself aggrieved shall have relief upon the appeal only; in case where no appeal is given, and it is not otherwise provided in this act, the judgment, order or proceedings shall be removed by certiorari and not by writ of error.

Section
amended.

7. Section one hundred and three of the act to which this is an amendment is hereby amended so as to read as follows:

Plea and issue.

103. The party against whom such complaint is made may, at the time of appearance mentioned in the said summons, and before the jury is sworn, plead not guilty to the said charge or complaint, or that he hath been three years in quiet possession, and his estate therein not ended or determined, agreeably to a subsequent clause in this act; and thereupon the said parties shall be at issue, and the jury so returned shall be sworn to inquire of and try the same; and if the said party against whom the complaint is made as aforesaid does not appear at the time specified in the said summons, or, appearing, does not plead to the said complaint, then it shall be lawful for the said court to proceed in the same manner as if he had pleaded not guilty; to the said jurors and each of them, who shall be returned to inquire of and try the said complaint, the clerk of said court shall administer the following oath or affirmation: "You do swear [or affirm] that you will well and truly try this issue joined between C D and E F, and a true verdict give according to the evidence;" when the jury shall be so sworn as aforesaid the said complaint shall be read to them, and the complainant called upon to support the same; if the jury find the party against whom such complaint is exhibited guilty or find against his plea of possession, it shall be the duty of the clerk of the said court to record the said verdict and the court to give judgment thereon with treble costs; and also to issue a writ of restitution, directed to any constable of the county, or sergeant-at-

Trial by jury.

Form of oath.

arms, to cause the complainant to be re-seized or re-possessed, to which shall be added a clause commanding the said officer to levy the said costs of the goods and chattels of the offender, and for want thereof, to take the body of such offender, and him safely keep in close custody in the common jail of the county until he shall pay the same, or be thence delivered by due course of law.

8. Section one hundred and seventeen of the act to which this is an amendment is hereby amended so as to read as follows :

Section
amended.

117. In any letting where no term is agreed upon and the rent is payable monthly, so long as the tenant pays the rent as agreed, it shall be unlawful for the landlord to dispossess the tenant before the first day of April succeeding the commencement of such letting without giving the tenant three months' notice in writing to quit ; *provided, however*, that in case any such tenant shall be so disorderly as to disturb the peace and quiet of any other tenants living in the premises, or in the neighborhood, or shall willfully destroy, damage or injure the premises, or shall constantly violate the landlord's rules and regulations governing said premises, and a copy of which rules and regulations said landlord has caused to be conspicuously placed on such premises ; in any such case the landlord may cause a written notice of the termination of said tenancy to be served on said tenant and a demand that said tenant remove from the premises so occupied by him within three days from the service of such notice, and in case said tenant shall not so remove it shall be lawful for said landlord or his agent, after the expiration of said three days, to make and file with the clerk of any district court an affidavit setting forth either or any of the causes for removal above set forth, and of the service of such notice, and thereupon it shall be lawful for such court to issue a summons in ejectment, such as is provided by this act for the summary removal of tenants holding over after the expiration of his or her term, and on proof before said court on the return of said summons of any one of the causes for removal aforesaid, it shall be lawful for said court to give judgment for said landlord and issue a warrant for such removal and take such other proceedings as is herein provided for the summary removal of tenants.

When no agree-
ment made.

Proviso.

Section
amended.

9. Section one hundred and thirty-six of the act to which this is an amendment is hereby amended so as to read as follows :

When goods
taken as distress,
if plaintiff be
non-suit, etc.

136. In all cases where the goods and chattels have been taken as a distress for rent, if the plaintiff in replevin shall be non-suit or judgment be rendered in favor of the defendant on the trial of the cause, and the defendant shall make a suggestion in the nature of an avowry or cognizance for such rent, the court, upon the prayer of the defendant, instead of awarding a return of the distress, shall proceed to inquire touching the sum in arrears for such rent at the time of such distress taken, or the value of the goods or chattels distrained, and five days' notice being given to the plaintiff or his attorney of the time of making such inquiry ; and on the demand of either party, the court shall award a venire for a jury to inquire of the matters above mentioned ; and the hearing shall be had as in other cases of trial by jury ; and if there be no demand for a jury, the inquiry shall be by the court, and the defendant shall have judgment to recover against the plaintiff the arrearages of such rent, in case the goods and chattels distrained shall amount to that value ; and in case they shall not amount to that value, then so much as the value of the goods and chattels so distrained shall amount to, together with his full costs of suit, and, in addition to any remedy on the bond, shall have execution against the goods and chattels of the plaintiff, and for want of such goods and chattels, an execution against the body of the plaintiff in the nature of a *capias ad satisfaciendum* ; if on a trial of the cause in cases arising under this section, the finding of the court, or jury, be in favor of the defendant on the merits of the case, the court or jury shall thereupon forthwith make like inquiry as in this section above provided, and the defendant shall have the like judgment and execution as in this section is provided.

Section
amended.

10. Section one hundred and thirty-seven of the act to which this is an amendment is hereby amended so as to read as follows :

In cases except
distress for rent.

137. In all cases except where the goods and chattels shall be taken as a distress for rent, if the plaintiff shall be non-suit before issue joined, or for not bringing on the trial, and the goods have not been re-delivered to the defendant, instead of awarding a return of the goods and chattels, the court, upon a suggestion of property in the defendant, may ascer-

tain the value of the goods and chattels and the damages of the defendant by an inquiry, either by the court, or a jury if one be demanded by either party; and if upon the trial of an issue of property in the defendant, the court, or the jury if one shall find against the plaintiff, the court, or the jury, if there be a jury, shall on the request of the defendant find the value of the property of the defendant in such goods, chattels and his damages, and judgment shall be thereupon entered for the defendant for such sum, and defendant, besides any remedy on the bond, shall have execution against the plaintiff's goods and chattels, and for want of same, execution against plaintiff's body, in the nature of a *capias ad satisfaciendum*; *provided*, that five days' notice of the time of making such inquiry shall have been given by defendant to plaintiff or his attorney; and if a jury be demanded by either party, the court shall award a venire for a jury; and the hearing shall be had as in other cases, whether the hearing be by a jury or by the court.

Writ of inquiry.

Judgment.

Execution.

Proviso.

11. Section one hundred and sixty-one of the act to which this is an amendment is hereby amended so as to read as follows:

Section amended.

161. In order to prevent the failure of justice by reason of mistakes and objections of form, it shall be lawful for any district court or the circuit court, on an appeal taken thereto, at all times, to amend all defects and errors in any suit or proceeding, whether there is anything in writing to amend by or not, and whether the defect or error be that of the party applying to amend by or not, and all such amendments may be made with or without costs, and upon such terms as to the court may seem fit; and all such amendments as may be necessary for the purpose of determining in the existing suit the real question in controversy between the parties shall be so made.

Defects and errors may be amended.

12. Section one hundred and ninety-eight of the act to which this is an amendment is hereby amended so as to read as follows:

Section amended.

198. No writ or execution shall bind the property or the goods of the person against whom such writ is sued for, but from the time such writ shall be delivered to the constable, sergeant-at-arms or other officer to be executed, and for the better manifestation of such time, such constable, sergeant-at-arms or other officer, his deputy or agent, shall, upon the receipt of any such writ, indorse thereon, without fee for so

Time of writs taking effect.

doing, the date of the month and year when he received the same, and if two or more writs of execution shall be delivered against the goods of the same person on the same day, that which was first delivered shall be first executed and satisfied ; that if any person shall purchase, in good faith, of a defendant in execution, any goods and chattels, and pay for the same prior to the actual levy of such execution, and without notice thereof, the title of such purchaser shall not be divested by the fact that such execution had been delivered before such purchase was made.

Section
amended.

13. Section one hundred and ninety-nine of the act to which this is an amendment is hereby amended so as to read as follows :

Inventory.

199. It shall be the duty of the constable or sergeant-at-arms, to whom shall be delivered any execution issued under the provisions of this act, to take an inventory in writing of such and so much of the property of the defendant as he means and intends to levy upon ; which inventory and levy, with a statement of the actual time of making such levy, shall be annexed to the execution and signed by said constable, under his oath of office, and shall at all times be received as evidence of the levy, and of the time of making the same, as contemplated by this act.

Section
amended.

14. Section two hundred and ten of the act to which this is an amendment is hereby amended so as to read as follows :

Court's action
upon hearing
appeal.

210. On the hearing of said appeal, said circuit court shall either affirm or reverse said judgment of the district court, or may either order a new trial in the district court on such terms as it thinks fit, or may order judgment to be entered in the district court for either party as the case may be, and may make such order with respect to the dismissal and costs of the said appeal as such court shall think proper.

Sections
repealed.

15. Sections two hundred and twelve and two hundred and thirteen are hereby repealed.

16. This act shall take effect immediately.

Approved March 24, 1899.

CHAPTER 212.

An Act relating to the mortgaging of the lands of minors, lunatics, insane and feeble-minded persons, for their support, maintenance and education.

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

1. Whenever it shall be made to appear to the chancellor, upon application by petition of the guardian or guardians of any minor or minors, lunatic, insane, or feeble minded person or persons, or of the executor or executors under a will, or of the trustee or trustees under a will or deed, that the personal estate, and the rents, issues and profits of the real estate, of any such minors, lunatics, insane or feeble-minded person or persons is not sufficient for his, her or their proper provision and support, or maintenance and education, it shall be lawful for the chancellor to order and direct the guardian or guardians of such minor or minors, lunatic, insane, or feeble minded person or persons, hereby appointed, or such executor or executors, or trustee or trustees, to raise a loan or loans upon bond secured by mortgage, or other security, executed by the guardian or guardians, executors or trustees, upon the whole, or any part or parts, of any lands or tenements, or any vested interest, or estate in remainder, or any term to come, in any lands or tenements in this state, of any such person or persons, or any undivided interest therein; and upon any such application being made the chancellor shall in a summary manner proceed to inquire into the merits of the same, and from such time any such person or persons shall, so far as relates to any such lands or tenements, interest, remainder, or term to come, and the proceeds and income thereof, be considered a ward of the court of chancery, which shall have full power and authority in the premises.

When shown to chancellor that there is an insufficient income, loan may be raised.

Such person considered a ward of court.

2. Upon any such bond and mortgage, or other security, being made and executed as aforesaid, the said guardian or guardians, executors or trustees, shall make report thereof

Report to chancellor, and his approval.

- Rights of mortgagee.
- Authority of chancellor.
- Use of funds derived.
- Appointment of guardian, etc.
- Chancellor's authority to inquire into question of lunacy.
- in writing to the chancellor, and upon his approval of any such bond and mortgage, or other security, the same shall thereby be valid and effectual in law, and thereupon the said guardian or guardians, executors or trustees, shall deliver the said bond and mortgage, or other security, to the person or persons making any such loan or loans, and such mortgage or other security shall vest in the mortgagee, his heirs, executors, administrators and assigns, all the estate and interest of any such person or persons in any such mortgaged lands, tenements, vested interests, estate in remainder, or term to come, of which he, she or they were seized or entitled at the time of the approval of the same by the chancellor, as fully and completely as if made by any such person or persons of full age and of sound mind; and the chancellor shall have full power and authority to make any and all such orders and decrees in the premises as shall be necessary and proper to give adequate and complete relief and security to any and all persons interested as to the making and execution of any such bond and mortgage, or other security, and the funds derived therefrom and the expenditure of the same, in accordance with the practice and procedure of the court of chancery, as in other similar cases, and in conformity with such rules and regulations in relation thereto as the chancellor may deem necessary or expedient in the premises.
3. On any such application the chancellor may, in his discretion, appoint a suitable guardian or guardians, executor or trustee, in the premises, who shall give bond to the chancellor, to be filed with the clerk of the court of chancery, in such penalty and with such surety or sureties as the chancellor shall direct, conditioned for the faithful performance of the trust reposed in such guardian or guardians, executor or trustee, and for the faithful observance of such orders and directions as the chancellor shall from time to time make in the premises in relation to any such trust.
4. The chancellor shall have power and authority, for the purposes of this act, to inquire into and determine the question of the lunacy, insanity or feeble-mindedness of any such person or persons, and for that purpose may make any and all necessary orders, references and decrees therein without the intervention of an inquisition or commission of lunacy by a jury.
5. This act shall take effect immediately.
- Approved March 24, 1899.

CHAPTER 213.

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

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

1. Any person who may be aggrieved by or complain of any election for directors, or any proceeding, act or matter in or touching the same, may make application by petition to the chancellor, who, after requiring reasonable notice to be given to the adverse party or to those who are to be affected thereby, shall proceed forthwith and in a summary way to hear the affidavits, proofs and allegations of the parties, or otherwise inquire into the matter or causes of complaint, and thereupon establish the election so complained of, or order a new election, or make such order and give such relief in the premises as right and justice may require.

Petition chancellor to inquire into election of directors.

2. Pending the hearing and determination of any application to investigate an election of directors the chancellor may by order restrain the persons claiming to have been elected to the office of director from exercising any of the functions and duties of the office.

Pending hearing, persons claiming election restrained.

3. This act shall take effect immediately.

Approved March 24, 1899.

CHAPTER 214.

An Act to establish an excise department in cities of the fourth class in this state.

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

Excise
department
established.

1. In all cities of the fourth class in this state there shall be established an excise department, to consist of three residents and taxpayers of each of said cities, who shall be appointed by the mayor of said city, and who shall hold office for the term of three years from the date of said appointment and until the appointment and qualification of their successors.

Oath, bond,
salary.

2. Before entering upon the duties of their said office, the members of said excise board shall take an oath to faithfully and impartially perform their duties as members of such board, and shall give bond in the sum of five hundred dollars each, with security satisfactory to the city council of said city, and conditioned that said members of the excise board shall faithfully perform the duties of their said office ; each of the members of the said board shall receive an annual salary of one hundred and fifty dollars, payable quarterly, out of the moneys received from license fees.

Sole power to
license, etc.,
inns, saloons,
etc.

3. Said excise board shall have the sole power within such city to make, amend, establish or repeal ordinances and by-laws, to license and regulate or prohibit inns and taverns, restaurants and beer saloons, and when licensed to revoke or transfer such licenses, and to prohibit all traffic in or sale of intoxicating drink or drinks, to license, regulate or prohibit billiard saloons and bowling-alleys, and to prescribe and enforce a penalty or penalties, either by fine or imprisonment, for the violation of such ordinances or by-laws, which said penalties shall be enforced and collected in the same manner as any other penalties are enforced and collected in any such city, and that every ordinance or by-law of such board of excise commissioners shall, after its introduction, and before its final passage be published for one week in

Penalty for
violation.

Ordinances
published.

two newspapers, if so many there be published and circulating in such city, and be concurred in by at least two members of such board of excise commissioners as may be present at its final passage; and no other license for such purpose within said city, granted by any other authority, shall be lawful; that all fees for licenses granted by said commissioners shall be paid to the city clerk, who shall, in addition to his other duties, act as the clerk of said commissioners, and by him paid over to the city treasurer; the law officer in said city shall be the solicitor of said board.

Fees.

Clerk and solicitor.

4. The board of aldermen or common council may by resolution, or the mayor of any city may by proclamation, submit the question of the acceptance or rejection of this act to the voters of such city at any special election to be held therein, whereof at least two days' notice shall be given, by public advertisement, in two newspapers circulating in such city, and if a majority of those who shall vote for the acceptance or rejection thereof shall be in favor of the acceptance of this act, then this act shall go into effect immediately, and the grant of power herein made to any such city shall be deemed to be accepted by such city, and such city shall be bound by the terms of this act; persons entitled to vote at any charter or municipal election prior to such special election, where this question is submitted to them, shall express their assent or rejection of this act by depositing their ballots in the box provided for depositing ballots at such election in the election precincts or wards of any such city, and those who are in favor of the acceptance of this act, and the grants and powers therein contained, shall each deposit a ballot containing the words "Act to establish an excise department in this state accepted," written or printed thereon, and those who are opposed shall each deposit a ballot with the words "Act to establish an excise department in cities of this state rejected," written or printed thereon; upon a canvass by the election officer of any such city upon the question of the acceptance or rejection of this act, and if a majority of the ballots on which there shall be either the words above mentioned be for the acceptance of this act, it shall then, but not otherwise, go into effect and be binding upon such city wherein such vote shall have been taken.

Submission of this act to vote of people.

Election.

Canvass.

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

Repealer.

Passed March 24, 1899.

CHAPTER 215.

An Act to prohibit persons from unlawfully using or wearing the badge of the Sons of Veterans, U. S. A., in this state.

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

Misdemeanor
to wear badge
unless entitled.

Penalty.

1. Any person who shall willfully wear the badge of the Sons of Veterans, U. S. A., in this state, or who shall use or wear the same to obtain aid or assistance thereby within this state, unless he shall be entitled to use or wear the same under the rules, regulations or by-laws of a camp of said Sons of Veterans, U. S. A., duly and regularly organized, shall be guilty of a misdemeanor, and upon conviction shall be punished by imprisonment for a term not to exceed thirty days, or a fine not to exceed twenty-five dollars, or by both such fine and imprisonment.

Passed March 24, 1899.

CHAPTER 216.

An Act to amend an act entitled "An act to further amend an act entitled 'An act to incorporate the chosen freeholders in the respective counties of the state,'" approved April sixteenth, one thousand eight hundred and forty-six, which further amendment was approved March fifteenth, one thousand eight hundred and ninety-nine.

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

Section
amended.

1. Section one of said act be amended so as to read as follows:

1. The eighth section of said act, as the same was amended by an act entitled "An act to amend an act entitled 'An

act to incorporate the chosen freeholders in the respective counties of the state' (Revision), approved April sixteenth, one thousand eight hundred and forty-six," which amendatory act was approved March fourteenth, one thousand eight hundred and seventy-nine, be and the same is hereby amended so as to read as follows :

8. The said corporation may annually elect some fit person, being a resident in the county and not a member of such corporation, for their clerk, whose duty it shall be to keep the minutes and enter the orders and proceedings of the corporation in a book to be kept for the purpose, and who shall have the custody of the common seal, and the papers, deeds, writings, documents and books relating to the said corporation, and whose further duty it shall be to perform such services in keeping the records and minutes of the several committees of said corporation as the corporation shall prescribe, which duties, or any of them, may be performed either by the said clerk in person or by his deputy for that purpose appointed, as the said corporation may from time to time prescribe ; and the said clerk and his deputy, if any, shall, before entering upon the execution of the duties of said office, severally take and subscribe an oath or affirmation before the director of the board, who is hereby authorized to administer the same, that he and they will well and faithfully discharge all the duties appertaining to the said office ; and the said clerk shall be entitled to such per diem compensation or annual salary as the corporation may by resolution from time to time fix, which compensation shall include payment for all services to be performed by the deputy clerk, if any ; *provided*, that in counties having less than seventy thousand inhabitants the per diem compensation or annual salary of the clerk and deputy clerk for the performance of all and every the duties and services aforesaid shall not exceed in the aggregate six hundred dollars per annum ; *provided*, the provisions of this act shall not change the term of office of the clerks of the board of chosen freeholders heretofore or hereafter to be elected in the counties of the third and fourth classes of this state.

Clerk; his duties.

Or deputy clerk.

Oath.

Compensation.

Proviso.

Proviso.

2. This act shall take effect immediately.

Approved March 24, 1899.

CHAPTER 217.

An Act respecting the method of preparing and supervising legislature bills and resolutions.

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

Preservation
of bills and
resolutions
by printing.

1. Bills and resolutions passed by the legislature to which the signature of the governor in the form of approval is required by the constitution, shall hereafter be preserved by the art of printing and not by being copied or transcribed by the pen.

Rules.

2. It shall be the duty of each house of the legislature to provide, by rule or joint rule, for the proper carrying-out of the provisions of this act.

Supervisor of
bills: salary
and term.

3. The governor shall, by and with the advice and consent of the senate, appoint some suitable person, a resident and citizen of this state, as supervisor of bills, at an annual salary of twelve hundred dollars, to be paid in equal monthly installments by the treasurer, upon the warrant of the comptroller, and who shall hold his office for the term of five years from the first day of January, in the year one thousand nine hundred, and until the appointment of his successor.

Duties of
supervisor.

4. The duties of such supervisor of bills shall be to receive, examine, correct and attend to the printing and reprinting of all bills and resolutions introduced at each session of the legislature; when bills or resolutions shall have passed upon their second reading, and shall have been ordered to be reprinted and to have a third reading, he shall also examine them, together with any amendment or amendments thereto, to determine that they are in all respects correct for reprinting; and, in general, he shall faithfully observe and execute the rules and orders of both branches of the legislature which relate to his office and the duties thereof.

Assistants.

5. The said supervisor of bills may have two assistants, one to be appointed by the senate and one by the house of assembly, whose duty it shall be to assist the said supervisor

in the performance of the duties herein imposed and such other duties as may be imposed by the legislature; the compensation for such assistants shall be six hundred dollars for the legislative session.

6. The offices of engrossing clerks and assistant engrossing clerks of the senate and house of assembly are hereby abolished. Offices abolished.

Approved March 24, 1899.

CHAPTER 218.

A Further Supplement to "An act making appropriations for the support of the state government and for several public purposes for the fiscal year ending October thirty-first, one thousand eight hundred and ninety-nine," approved June thirteenth, one thousand eight hundred and ninety eight.

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

1. The following sums, or so much thereof as may be necessary, be and they are hereby appropriated out of the state fund for the several purposes herein specified, and for supplementing former appropriations, for the fiscal year ending October thirty-first, one thousand eight hundred and ninety-nine, namely: Supplementary appropriations.

1.

EXECUTIVE DEPARTMENT.

For additional compensation for assistants in the executive department, three hundred and ten dollars. Executive department.

2.

OFFICE OF THE SECRETARY OF STATE.

For additional compensation for clerical service in the office of the secretary of state, one thousand dollars; Secretary of state.

For two thousand copies of the corporation laws, one thousand dollars.

3.

COURT OF CHANCERY.

Court of
chancery.

For additional compensation and allowance of advisory masters, one thousand dollars.

4.

STATE BOARD OF TAXATION.

Board of
taxation.

For additional allowance for postage, expressage and other incidental expenses for the office of the state board of taxation, two hundred dollars.

5.

BUREAU OF STATISTICS.

Bureau of
statistics.

For additional allowance for the current expenses of the bureau of statistics, six hundred dollars.

6.

COURT OF ERRORS AND APPEALS.

Court of errors
and appeals.

For additional compensation for judges of the court of errors and appeals, seven thousand dollars ;

For printing opinions under the direction of the presiding judge, one thousand dollars.

7.

COURT OF PARDONS.

Court of
pardons.

For additional allowance for per diem and mileage for judges of the court of pardons, seven hundred dollars.

8.

OFFICE OF CLERK OF THE SUPREME COURT.

For additional allowance for postage, expressage and other incidental expenses for the office of the clerk of the supreme court, one thousand five hundred dollars;

Clerk of supreme court.

For new indices furnished by Benjamin F. Lee, late clerk of the supreme court, one hundred and sixty-one dollars.

9.

ANDERSONVILLE MONUMENT.

For additional allowance for the necessary expenses of the persons appointed to carry out the provisions of chapter seventy-six of the laws of one thousand eight hundred and ninety-eight, sixty-three dollars and forty-seven cents.

Andersonville monument.

10.

For necessary expenses of the commission in carrying out the provisions of "An act to authorize the refunding of the consideration received by the state in certain cases where title to the lands lying under water conveyed by it or sought to be conveyed has wholly or partially failed, and to provide for reconveying such title to the state and releasing claims against it," approved March thirtieth, one thousand eight hundred and ninety-eight, five hundred dollars.

Refunding consideration where title failed.

11.

COUNTY LUNATIC ASYLUMS.

For additional allowance for the support of county patients in the county lunatic asylums, namely:

County lunatic asylums.

In the Essex county lunatic asylum, five thousand dollars;

In the Hudson county lunatic asylum, five thousand dollars;

In the Cumberland county lunatic asylum, two hundred dollars ;

In the Atlantic county lunatic asylum, four hundred and fifty dollars.

12.

PRINTING.

Printing.

For additional sum for printing and circulation of the laws, three thousand five hundred dollars.

13.

ADJUTANT-GENERAL'S DEPARTMENT.

Adjutant-general.

For additional allowance for blanks and stationery for use in the adjutant-general's office, five hundred and seventy-five dollars ;

For additional allowance for postage, expressage and other incidental expenses for the adjutant-general's office, fifty dollars ;

For revised compilation of the roster of officers and men of New Jersey in the revolutionary war, two thousand five hundred dollars.

14.

ATTORNEY-GENERAL'S DEPARTMENT.

Attorney-general.

For the payment of expenses incurred by the order of the supreme court, pursuant to chapter one hundred and fifty-nine of the laws of one thousand eight hundred and ninety five, one thousand dollars.

15.

STATE BOARD OF HEALTH.

Board of health.

For printing compilation of laws and decisions relating to health, four hundred dollars.

16.

AGRICULTURAL EXPERIMENT STATION.

For printing bulletins of the agricultural experiment station, five hundred dollars; Experiment station.

For the repair of the laboratory building, at New Brunswick, one thousand dollars.

17.

STATE PRISON.

For additional allowance for furniture, appliances and repairs at the state prison, six thousand five hundred dollars; Prison.

For additional accommodations for female convicts and for reconstruction of laundry at the state prison, fourteen thousand dollars; *provided*, such sum shall be authorized by enactment of the present legislature. Proviso.

18.

INDUSTRIAL SCHOOL FOR GIRLS.

For the trustees of the New Jersey state industrial school for girls, for an additional building and furnishing the same for the accommodation of the inmates of said school, pursuant to chapter thirty of the laws of one thousand eight hundred and ninety-nine, seventeen thousand five hundred dollars. Girls' industrial school.

19.

RIPARIAN COMMISSION.

For the riparian commissioners for expenses for examination and report of the condition of the monuments marking the boundary line between the states of New York and New Jersey, pursuant to chapter one hundred and seventy Riparian commission.

of the laws of one thousand eight hundred and ninety-one, three hundred dollars.

20.

FISH AND GAME.

Fish and game.

To Warren H. Van Sickle, late fish and game warden for Sussex county, for services and expenses during the year one thousand eight hundred and ninety-three, one hundred and thirty-seven dollars.

21.

TRANSPORTATION OF PRISONERS.

Transporting
prisoners.

For compensation for the several sheriffs of this state, for transporting offenders to the state prison, pursuant to section ninety-two of chapter two hundred and thirty-seven of the laws of one thousand eight hundred and ninety-eight, four thousand six hundred dollars.

22.

STATE NORMAL SCHOOL.

Normal school.

For additional allowance for the support of the state normal school, three thousand dollars.

23.

FARNUM PREPARATORY SCHOOL.

Farnum school.

For repairs to grounds and buildings and for necessary supplies for the Farnum preparatory school, at Beverly, one thousand dollars.

24.

MANUAL TRAINING AND INDUSTRIAL SCHOOL AT BORDENTOWN.

For additional allowance for maintenance of the manual training and industrial school at Bordentown, pursuant to the provisions of chapter fifty-three of the laws of one thousand eight hundred and ninety-seven, two thousand dollars.

Bordentown
school.

25.

STATE BOARD OF EDUCATION.

For procuring plans for school-houses, five hundred dollars.

Board of
education.

26.

SUPERINTENDENT OF PUBLIC INSTRUCTION.

For additional allowance for blanks and stationery, five hundred dollars.

Superintendent
of schools.

27.

ASSEMBLY COMMITTEE OF INQUIRY.

For the expenses of the assembly committee of inquiry appointed January eighteenth, one thousand eight hundred and ninety-eight, four hundred and seven dollars and thirty-four cents

Committee of
inquiry.

28.

COMMISSIONS.

For expenses incurred by the various commissions appointed by the governor to revise the general statutes of this state, three thousand dollars; *provided*, said expenses are approved by the governor.

Commissions.

Proviso.

29.

Commission on
pollution of
streams.

For compensation and expenses, pursuant to chapter one hundred and thirty-six of the laws of one thousand eight hundred and ninety-eight, authorizing the appointment of commissioners to consider the subject of the pollution of the rivers and streams within this state, to provide a plan for the prevention thereof, and for the relief of the persons and property affected thereby, five thousand eight hundred and thirty-three dollars and eighty cents.

30.

OFFICE OF THE CLERK IN CHANCERY.

Clerk in
chancery.

For additional compensation for clerical service in the office of the clerk in chancery, three thousand three hundred dollars ;

For additional allowance for postage, expressage and other incidental expenses for the office of the clerk in chancery, two hundred and seventy-five dollars.

31.

School
census.

For expenses of taking school census, one thousand three hundred and fifty-four dollars and eighty-four cents, which sum is hereby transferred from the appropriation of one thousand five hundred dollars for compensation of the person having in charge the taking of the school census in the act to which this act is a supplement.

32.

NATIONAL GUARD.

National guard.

For ordnance stores, clothing, camp and garrison equipage, quartermasters' stores and miscellaneous supplies to replace stores taken from the national guard to clothe, arm and equip the four volunteer regiments for the army of the United

States in the war with Spain, forty-one thousand dollars, which sum is hereby transferred from the appropriation of forty-one thousand dollars for pay of officers and enlisted men and expenses incurred in connection with annual encampment in the act to which this act is a supplement ;

For additional allowance for ordnance stores, clothing, camp and garrison equipage, quartermasters' stores and miscellaneous supplies to replace stores taken from the national guard to clothe, arm and equip the four volunteer regiments for the army of the United States, in the war with Spain, forty-two thousand one hundred and ninety-six dollars ;

For additional allowances to companies of the national guard, at the rate of five hundred dollars each, two thousand five hundred dollars ;

For additional allowance for compensation of superintendent and employes and for forage, fuel and maintenance of the state camp grounds, two thousand five hundred dollars ;

For insuring mess halls at state camp grounds, one hundred dollars.

33.

NAVAL RESERVE.

For new uniforms for battalion of the west, one thousand five hundred dollars ; Naval reserve.

For new uniforms for battalion of the east, one thousand five hundred dollars.

34.

To the town of Kearny, for compensation for the improvement of Belgrove drive, running through the property occupied by the New Jersey home for disabled soldiers, two thousand nine hundred and sixty-four dollars and five cents ; Town of Kearny.
provided, such sum shall be authorized by enactment of the Proviso.
present legislature.

35.

NEW JERSEY HOME FOR DISABLED SOLDIERS, SAILORS,
MARINES AND THEIR WIVES.Soldiers', etc.,
home.

For balance of purchase-money for grounds and building,
twenty-one thousand five hundred dollars;

Proviso.

For alterations, repairs, furnishing, et cetera, twenty thousand dollars; *provided*, such sum shall be authorized by enactment of the present legislature, and that plans and contracts shall be approved by the governor;

For maintenance, two thousand five hundred dollars.

36.

QUARTERMASTER-GENERAL'S DEPARTMENT.

Quartermaster-
general.

For additional compensation for assistants in the quartermaster-general's department, five hundred and eighty-three dollars and thirty-three cents;

For additional allowance for postage, expressage and other incidental expenses for the quartermaster-general's department, one hundred and fifty dollars.

37.

OYSTER COMMISSION.

Oyster
commission.

To promote the propagation and growth of seed oysters, and to protect the natural oyster-seed grounds of this state, six thousand dollars; *provided*, such sum shall be authorized by enactment of the present legislature.

Proviso.

38.

Shipwrecked
bodies.

For the purchase of grounds for the burial of dead bodies thrown upon the shores of this state by shipwreck, pursuant to chapter one hundred and seventy-one of the laws of one thousand eight hundred and ninety-eight, eight hundred dollars.

39.

NEWARK ARMORY.

For the equipment and furnishing of the armory in the city of Newark, and for the grading and paving of the sidewalk and grounds, the sum of thirty thousand dollars, or so much thereof as may be necessary; *provided*, such sum shall be authorized by enactment of the present legislature.

Newark armory.

Proviso.

40.

For the better regulation and control of the taking, planting and cultivating of oysters on lands lying under the tidal waters of the Delaware bay and Maurice river cove, in the state of New Jersey, five thousand and twenty-five dollars; *provided*, such sum shall be authorized by enactment of the present legislature.

Protecting oysters.

Proviso.

41.

VILLAGE FOR EPILEPTICS.

For the erection of two brick cottages, twenty-five thousand dollars;

Epileptics.

For the purchase of the farm adjoining the property already purchased, eight thousand dollars;

For salaries and expenses, including necessary repairs, six thousand five hundred dollars;

For water-supply and sewerage, two thousand dollars; *provided*, such specified sums shall be authorized by enactment of the legislature.

Proviso.

42.

REFUNDING TAXES ON EXEMPTED MISCELLANEOUS CORPORATIONS.

For taxes improperly levied upon the Singer manufacturing company, and to be refunded, twenty-one thousand fifty-two dollars and fifty cents.

Refund taxes.

43.

STATE HOSPITAL AT MORRIS PLAINS.

- Morris Plains. For improvements at the state hospital at Morris Plains, that is to say :
- For the erection of new building, twenty-five thousand dollars ;
- For building power-house, twenty-two thousand one hundred and eighty-eight dollars ;
- For making new reservoir effective for storage, ten thousand dollars ;
- Proviso. For building tunnel, five thousand dollars ; *provided*, that no plans shall be adopted or contracts awarded for the objects above specified without the approval of the governor.
- For additional allowance for maintenance of county patients, one thousand five hundred dollars.

44.

SPANISH-AMERICAN WAR.

- Volunteers. For additional compensation to the volunteers of this state during the Spanish-American war, one hundred and eighty thousand dollars ; *provided*, such compensation shall be authorized by enactment of the present legislature.
- Proviso.

45.

- Medals for volunteers. For the governor to carry out the provisions of joint resolution number one, passed at the present session of the legislature, in relation to medals for the New Jersey volunteers during the Spanish-American war, five thousand dollars.

46.

- Horticultural society. To the treasurer of the New Jersey state horticultural society, the sum of four hundred dollars ; *provided*, such sum shall be authorized by enactment of the present legislature.
- Proviso.

47.

For deficiency in appropriation for indexing the journal of the senate and minutes of the executive sessions and the minutes of the house of assembly and other incidental and contingent expenses of the legislature, five thousand dollars.

Index journals.

2. There shall be paid from the income of the school fund such sums required to pay premium and accrued interest on bonds purchased by the trustees for the support of public schools during the current fiscal year.

Purchase of bonds.

3. Section seven of the act to which this act is a supplement is hereby amended so as to read as follows :

Section amended.

7. No money shall be drawn from the treasury except for the objects as herein above specifically appropriated, and except such sums which are by law devoted to specific purposes, namely, state school tax, United States appropriation to agricultural college, United States appropriation for disabled soldiers, agricultural college fund, and taxes for the use of taxing districts in this state, and loans to "state school fund," which last-named sums shall be paid pursuant to the laws applicable thereto.

Money must be specifically appropriated; exceptions.

4. This act shall take effect immediately.

Approved March 24, 1899.

CHAPTER 219.

An Act making appropriations for the support of the state government and for several public purposes for the fiscal year ending October thirty-first, one thousand nine hundred.

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

1. The following sums, or so much thereof as may be necessary, be and they are hereby appropriated out of the state fund for the respective public officers and for the several purposes herein specified, for the fiscal year ending on the thirty-first day of October, in the year one thousand nine hundred, namely :

Annual appropriations.

1.

EXECUTIVE DEPARTMENT.

Executive
department.

For the governor, for salary, ten thousand dollars ;
For the private secretary of the governor, for salary, two thousand dollars ;
For compensation for assistants in the executive department, two thousand five hundred dollars ;
For blanks and stationery for the use of the executive department, three hundred dollars ;
For postage, expressage and other incidental expenses for the executive department, eight hundred and fifty dollars.

2.

OFFICE OF THE COMPTROLLER.

Comptroller

For the comptroller, for salary, six thousand dollars ;
For the first assistant in the comptroller's office, for salary, twenty-five hundred dollars ;
For compensation for other clerical service in the comptroller's office, four thousand dollars ;
For blanks and stationery for use in the office of the comptroller, five hundred dollars ;
For postage, expressage and other incidental expenses for the comptroller's office, eight hundred dollars.

3.

OFFICE OF THE TREASURER.

Treasurer.

For the treasurer, for salary, six thousand dollars ;
For compensation for clerical services in the office of the treasurer, including assistants employed in the management of the sinking fund, fifty-nine hundred dollars ;
For blanks and stationery for use in the office of the treasurer, five hundred dollars ;
For postage, expressage and other incidental expenses for the office of the treasurer, six hundred dollars.

4.

OFFICE OF THE SECRETARY OF STATE.

For the secretary of state, for salary, six thousand dollars; Secretary of state.

For the assistant secretary of state, for salary, three thousand dollars;

For compensation for all clerical services in the office of secretary of state, ten thousand nine hundred and sixty dollars;

For postage, expressage and other incidental expenses for the office of secretary of state, one thousand five hundred dollars;

For blanks and stationery for use in the office of the secretary of state, four thousand seven hundred and fifty dollars;

For compiling and indexing the election laws, two hundred and fifty dollars.

5.

ATTORNEY-GENERAL'S DEPARTMENT.

For the attorney-general, for salary, seven thousand dollars; Attorney-general.

For compensation and expenses of assistants employed by the attorney-general, seventy-three hundred dollars;

For blanks and stationery for use in the office of the attorney-general, four hundred dollars;

For postage, expressage and other incidental expenses for the attorney-general's department, seven hundred dollars;

For master's fees for taking affidavits for the attorney-general's office, which shall include all such service required for the year, one hundred dollars;

For the contingent fund, to be expended only with the approval of the governor and comptroller, for the fees of assistant attorneys and counsel in litigations which may arise under chapter one hundred and fifty-nine of the laws of one thousand eight hundred and eighty-four and chapter two hundred and eight of the laws of one thousand eight hundred and eighty-eight, in the enforcement of corporate taxation, twenty-five hundred dollars;

For the payment of expenses incurred by the order of the supreme court, pursuant to chapter one hundred and fifty-nine of the laws of eighteen hundred and ninety-five, two thousand dollars.

6.

STATE BOARD OF ASSESSORS.

Board of
assessors.

For the members of the state board of assessors, for salaries, ten thousand dollars ;

For secretary of the state board of assessors, for salary, twenty-five hundred dollars ;

For compensation for clerical service in the office of the state board of assessors, forty-five hundred dollars ;

For blanks and stationery for use in the office of the state board of assessors, seven hundred dollars ;

For postage, expressage and other incidental expenses for the state board of assessors, five hundred and fifty dollars ;

For compensation of local assessors and witnesses, and compensation and expenses of surveyors, pursuant to chapter one hundred and one of the laws of one thousand eight hundred and eighty-four, five thousand dollars.

7.

DEPARTMENT OF BANKING AND INSURANCE.

Banking and
insurance.

For the commissioner of banking and insurance, for salary, four thousand dollars ;

For the deputy commissioner of banking and insurance, for salary, twenty-five hundred dollars ;

For compensation for assistants in the department of banking and insurance, forty-seven hundred and eighty dollars ;

For blanks and stationery for use in the department of banking and insurance, twelve hundred and fifty dollars ;

For postage, expressage and other incidental expenses for the department of banking and insurance, six hundred dollars.

8.

STATE BOARD OF TAXATION.

For the members of the state board of taxation, for salaries, ten thousand dollars; Board of taxation.

For assistants in the office of the state board of taxation, two thousand nine hundred and seventy dollars;

For blanks and stationery for use in the office of the state board of taxation, one hundred and fifty dollars;

For postage, expressage and other incidental expenses for the office of state board of taxation, five hundred dollars.

9.

STATE LIBRARY.

For the librarian, for salary, two thousand dollars; Library.

For compensation for assistants in the state library, two thousand one hundred dollars;

For the repair, preservation and purchase of useful books for the state library, three thousand dollars;

For blanks, stationery, postage, expressage and other incidental expenses for the state library, five hundred dollars.

10.

STATE BOARD OF HEALTH.

For the state board of health, pursuant to the provisions of chapter sixty-eight, laws of one thousand eight hundred and eighty-seven, six thousand dollars; Board of health.

For compensation to the secretary of said board, pursuant to said chapter, twenty-five hundred dollars;

For expenses to be incurred pursuant to chapter two hundred and twenty-five, laws of one thousand eight hundred and eighty-six, fifteen hundred dollars;

For blanks and stationery for use in office of state board of health, twelve hundred dollars;

For maintenance of the bacteriological laboratory, three thousand dollars;

For legal expenses incurred by the state board of health, one thousand dollars ;

For postage required in sending to the physicians of this state the annual report of the state board of health and of the bureau of vital statistics, two hundred and twenty-five dollars ;

For additional clerical assistance in the office of the state board of health, one thousand two hundred dollars.

11.

BUREAU OF STATISTICS.

Bureau of
statistics.

For the chief of the bureau of statistics, for salary, twenty-five hundred dollars ;

For the secretary of the bureau of statistics, for salary, fifteen hundred dollars ;

For the current expenses of the bureau of statistics, five thousand dollars ;

For blanks and stationery for use in the office of the bureau of statistics, two hundred and fifty dollars.

12.

STATE DAIRY COMMISSIONER.

Dairy
commissioner.

For the commissioner, for salary, two thousand dollars ;

For blanks and stationery and for the actual necessary expenses of the dairy commissioner in enforcing the laws relating to milk, oleomargarine, foods and drugs, and in performing all other duties charged upon him by law, ten thousand dollars.

13.

STATE HOUSE COMMISSION.

State house
commission.

For the governor, treasurer and comptroller, for the care and safe keeping of the state capitol, the property therein and adjacent public grounds, and for expenses to be incurred in carrying out the provisions of chapter three hundred and

thirty-nine of the laws of one thousand eight hundred and ninety-four, fifty-five thousand dollars ;

For the governor, treasurer and comptroller, to be expended for supervising services in carrying out the provisions of chapter four hundred and thirteen of the laws of one thousand eight hundred and ninety-five, five hundred dollars.

14.

STATE MUSEUM.

For curator, for salary, fifteen hundred dollars ;

Museum.

For the commission to acquire new material for the museum and for blanks, stationery and other incidental expenses, five hundred dollars.

15.

GEOLOGICAL SURVEY.

For salaries and expenses of department of geological survey and for the completion of the geological survey of this state, pursuant to chapter three hundred of the laws of one thousand eight hundred and ninety-five, eight thousand dollars ;

Geological survey.

For expenses in connection with the publication of the reports and maps of the geological survey, five thousand dollars.

16.

SUPREME COURT.

For the chief justice and associate justices of the supreme court, for salaries, eighty-two thousand dollars ;

Supreme court.

For the judges of the circuit courts, appointed pursuant to chapter seventy-eight, laws of one thousand eight hundred and ninety-three, for salaries, twenty-two thousand five hundred dollars ;

For compensation of sergeants-at-arms and criers, one thousand three hundred dollars.

17.

OFFICE OF CLERK OF THE SUPREME COURT.

Clerk of supreme
court.

For the clerk of the supreme court, for salary, six thousand dollars;

For compensation for clerical service in the office of the clerk of the supreme court, sixteen thousand dollars;

For blanks and stationery for use in the office of the clerk of the supreme court, twelve hundred and fifty dollars;

For postage, expressage and other incidental expenses for the office of the clerk of the supreme court, twelve hundred and fifty dollars;

For revenue stamps for the office of clerk of the supreme court, one thousand five hundred dollars.

18.

COURT OF CHANCERY.

Court of
chancery.

For the chancellor, for salary, ten thousand dollars;

For the vice-chancellors, for salaries, forty-five thousand dollars;

For compensation of sergeant-at-arms, thirty-five hundred dollars;

For compensation of stenographers, seven thousand five hundred dollars;

For compensation and allowance of advisory masters, three thousand dollars;

For rent of rooms in Camden, Jersey City and Newark, for the use of chancellor, vice-chancellors and advisory masters, forty-five hundred dollars;

For miscellaneous expenses in connection with such rooms, two hundred dollars.

19.

OFFICE OF CLERK IN CHANCERY.

Clerk in
chancery.

For the clerk in chancery, for salary, six thousand dollars;

For compensation for clerical service in the office of the clerk in chancery, twenty-four thousand five hundred dollars;

For blanks and stationery for use in the office of the clerk in chancery, one thousand eight hundred dollars;

For postage, expressage and other incidental expenses for the office of the clerk in chancery, fourteen hundred dollars.

20.

COURT OF ERRORS AND APPEALS.

For compensation of judges of the court of errors and appeals, nine thousand dollars; Court of errors and appeals.

For compensation of officers of the court of errors and appeals, five hundred and twenty-five dollars;

For printing opinions under the direction of the presiding judge, five hundred dollars.

21.

COURT OF PARDONS.

For per diem allowance and mileage for judges of court of pardons, twenty-five hundred dollars; Court of pardons.

For compensation of subordinate officers, two hundred and fifty dollars.

22.

LAW AND EQUITY REPORTS.

For the publication of the chancery reports, four thousand dollars; Law reports.

For the publication of the law reports, thirty-four hundred dollars;

For salary of chancery reporter, five hundred dollars;

For salary of supreme court reporter, five hundred dollars;

For binding chancery and law reports, fourteen hundred dollars.

23.

NATIONAL GUARD.

National guard.

For expenses for division, brigade and regimental headquarters, forty-five hundred dollars;

For allowances for two gatling-gun companies, fifteen hundred dollars;

For allowances to two cavalry troops, two thousand dollars;

For allowances to companies of the national guard, at the rate of five hundred dollars each, twenty-five thousand dollars;

For hospital and ambulance corps, one thousand dollars;

For transportation for battalion drills, inspections, parades and miscellaneous service, and pay of brigade inspectors, three thousand dollars;

For compensation of officers and employes and expenses incurred in connection with rifle range and practice, ten thousand dollars;

For pay of officers and enlisted men and expenses incurred in connection with the annual encampment, thirty thousand dollars;

For compensation of superintendent and employes and for forage, fuel and maintenance of the state camp grounds, seven thousand dollars;

For expenses, repairs, water and maintenance of the state arsenal, two thousand dollars;

For expenses of military boards and courts-martial, five hundred dollars;

For military expenses incident to the signal and telegraph corps, pursuant to chapter three hundred and sixty-nine of the laws of one thousand eight hundred and ninety-five, six hundred dollars;

For transportation of disabled soldiers to the home at Kearny, fifty dollars;

For maintaining, heating and lighting the armories in Paterson, Jersey City, Camden and Newark, the sum of four thousand dollars for each armory, sixteen thousand dollars;

For pay and expenses of officers detailed from United States army for military instruction to officers and enlisted men of the national guard, six hundred dollars;

For insuring regimental armories, state military property and buildings at state camp grounds at Sea Girt, three thousand dollars ;

For ordnance and ordnance stores, clothing, camp and garrison equipage, quartermasters' stores and miscellaneous supplies, to replace stores taken from the national guard to clothe, arm and equip the four volunteer regiments for the United States army in the war with Spain, thirty-seven thousand and thirty dollars.

NAVAL RESERVE.

Battalion of the west, for allowance for three divisions, at the rate of five hundred dollars each, fifteen hundred dollars ; Naval reserve.

For battalion headquarters, three hundred dollars ;

For pay of ship-keeper, maintenance and expenses, four thousand five hundred dollars ;

Battalion of the east, for allowance for three divisions, at the rate of five hundred dollars each, fifteen hundred dollars ;

For battalion headquarters, three hundred dollars ;

For pay of ship-keeper, maintenance and expenses, six thousand dollars.

24.

ADJUTANT-GENERAL'S DEPARTMENT.

For the adjutant-general, for salary, one thousand two hundred dollars ; Adjutant-general.

For compensation for clerical service in the adjutant-general's office, four thousand dollars ;

For blanks and stationery for use in the adjutant-general's office, nine hundred dollars ;

For postage, expressage and other incidental expenses for the adjutant-general's office, five hundred dollars ;

For revised compilation of the roster of officers and men of New Jersey in the revolutionary war, one thousand five hundred dollars ;

For printing and binding revised compilation of officers and men of New Jersey in the revolutionary war, three thousand seven hundred dollars.

25.

QUARTERMASTER-GENERAL'S DEPARTMENT.

Quartermaster-
general.

For the quartermaster-general, for salary, twelve hundred dollars;

For compensation for assistants in the department of the quartermaster-general, eighty-seven hundred dollars;

For blanks and stationery for use in the quartermaster-general's department, two hundred dollars;

For postage, expressage and other incidental expenses for the quartermaster-general's department, two hundred and fifty dollars.

26.

MONMOUTH BATTLE MONUMENT.

Monmouth
battle
monument.

For the commission having in charge the Monmouth battle monument and grounds, pursuant to chapter one hundred and eighteen of the laws of one thousand eight hundred and eighty-six, five hundred dollars.

27.

TRENTON BATTLE MONUMENT.

Trenton
monument.

For the Trenton battle monument association, for the purpose of keeping said property in good condition and repair, five hundred dollars

28.

PENSIONS.

Pensions.

For amount required to pay pensions, pursuant to various acts relative thereto, thirty-two hundred and eighty-four dollars;

For traveling expenses incurred in examining pension claims of New Jersey volunteers in the civil war, four hundred dollars.

29.

HOME FOR DISABLED SOLDIERS.

For support of the New Jersey home for disabled soldiers and for the chaplain thereof, twenty thousand dollars. Soldiers' home.

30.

SOLDIERS' STATE PAY.

For claims of volunteers in the civil war, for state pay, pursuant to chapter thirteen of the laws of one thousand eight hundred and sixty-one, one hundred dollars. Soldiers' pay.

31.

WASHINGTON ASSOCIATION OF NEW JERSEY.

For trustees of the Washington association of New Jersey, twenty-five hundred dollars. Washington association.

32.

STATE BOARD OF AGRICULTURE.

For the state board of agriculture, six thousand dollars ;
For the state board of agriculture for the purpose of carrying out the provisions of an act to prevent the introduction into and the spread of injurious insects in New Jersey, to provide a method for compelling their destruction, to create the office of state entomologist, to authorize inspection of nurseries and to provide for certificates of inspection, five hundred dollars. Board of agriculture.

33.

TUBERCULOSIS COMMISSION.

For expenses and payments by the state tuberculosis commission, pursuant to chapter one hundred and forty-eight of Tuberculosis.

the laws of one thousand eight hundred and ninety-eight, ten thousand dollars.

34.

AGRICULTURAL EXPERIMENT STATION.

Experiment
station.

For salaries and expenses of the agricultural experiment station, fifteen thousand dollars ;

For printing bulletins of the agricultural experiment station, one thousand dollars.

35.

BOARD OF VISITORS TO THE AGRICULTURAL COLLEGE OF NEW JERSEY.

Board of visitors
agricultural
college.

For the board of visitors to the agricultural college of New Jersey, for personal expenses incurred pursuant to chapter three hundred and sixty-five of the laws of one thousand eight hundred and seventy-three, fifty dollars ;

For advertising, pursuant to chapter nine of the laws of one thousand eight hundred and seventy-nine, ninety dollars.

36.

STATE HOSPITALS.

Hospitals.

For traveling expenses of managers, six hundred dollars ;
For expenses in transferring insane convicts, two hundred dollars ;

For medical examination of insane convicts, three hundred dollars.

STATE HOSPITAL AT TRENTON.

At Trenton.

For maintenance of county patients, fifty thousand dollars ;
For support and clothing of insane convicts, at the rate of five dollars per week for each insane convict, eight thousand dollars ;

For support of indigent patients, at the rate of three dollars per week, and cost of clothing, six thousand dollars;
 For salaries of officers, twelve thousand dollars;
 For appraisement of personal property, seventy-five dollars.

37.

STATE HOSPITAL AT MORRIS PLAINS.

For maintenance of county patients, fifty thousand dollars; At Morris Plains.
 For support and clothing of insane convicts, at the rate of five dollars per week for each insane convict, fifteen thousand dollars;
 For support of indigent patients, at the rate of three dollars per week, and cost of clothing, fifteen thousand dollars;
 For salaries of officers, twelve thousand six hundred dollars;
 For appraisement of personal property, seventy-five dollars;
 For improvements at the state hospital at Morris Plains, that is to say:
 For the completion of new building, fifty thousand dollars;
 For installing elevators, three thousand dollars;
 For completion of the tunnel, thirteen thousand six hundred and fifteen dollars;
 For furnishing new building, twenty thousand dollars;
provided, that no contracts shall be awarded for the objects Proviso.
 above specified without the approval of the governor.

38.

COUNTY LUNATIC ASYLUMS.

For the support of county patients in Essex county lunatic asylum, eighty thousand dollars; County asylums.
 In the Hudson county lunatic asylum, fifty-five thousand dollars;
 In the Camden county lunatic asylum, seventeen thousand five hundred dollars;

In the Burlington county lunatic asylum, six thousand dollars ;

In the Passaic county lunatic asylum, forty-two hundred dollars ;

In the Gloucester county lunatic asylum, sixteen hundred dollars ;

In the Cumberland county lunatic asylum, nineteen hundred dollars ;

In the Salem county lunatic asylum, twelve hundred dollars ;

In the Atlantic county lunatic asylum, five thousand dollars.

39.

STATE PRISON.

Prison.

For maintenance of convicts, ninety-five thousand dollars ;

For furniture, appliances and repairs of state prison, ten thousand dollars ;

For the principal keeper, for salary, three thousand five hundred dollars ;

For the supervisor, for salary, three thousand dollars ;

For the deputy keepers and employes, for salaries, eighty-four thousand dollars ;

For the six inspectors, for salaries, three thousand dollars ;

For the keeper, for payments to discharged convicts, three thousand dollars ;

For teacher and moral instructor to the convicts in the state prison, pursuant to section seven, chapter one hundred and fifty-five of the laws of one thousand eight hundred and seventy-six, for salary, one thousand dollars.

40.

REFORM SCHOOL FOR BOYS.

Boys' reform school.

For the trustees of the New Jersey state reform school for boys, pursuant to chapter one hundred and ninety-five of the laws of one thousand eight hundred and ninety-three, sixty-two thousand dollars ;

For the trustees of said school, for expenses incurred by them in the discharge of their duties, pursuant to chapter four hundred and seventy-nine of the laws of one thousand eight hundred and sixty-five, two hundred and fifty dollars.

41.

INDUSTRIAL SCHOOL FOR GIRLS.

For the trustees of the New Jersey state industrial school for girls, for the support of and necessary repairs to the school, pursuant to chapter eighty-six of the laws of one thousand eight hundred and ninety, twenty-three thousand dollars;

Girls' industrial school.

For the trustees and lady managers of said school, for expenses incurred in the discharge of their duties, pursuant to chapter four hundred and twenty-eight of the laws of one thousand eight hundred and seventy-one, one hundred dollars.

42.

STATE BOARD OF ARBITRATION.

For the members of the board of arbitration, for salaries, six thousand dollars;

Arbitration.

For the secretary of the state board of arbitration, for salary, two hundred dollars;

For blanks, stationery and other incidentals for use in the office of the state board of arbitration, one hundred dollars.

43.

BOARD OF FISH AND GAME COMMISSIONERS.

For the fish and game wardens, including the fish and game protector, for compensation, fifteen thousand six hundred dollars;

Fish and game.

For expenses of the fish and game wardens and fish and game protector, five thousand one hundred dollars;

For expenses of the fish and game commissioners, eight hundred dollars.

44.

BLIND AND FEEBLE-MINDED.

Blind and
feeble-minded.

For clothing, maintenance, support and instruction of the blind persons, inhabitants of this state, thirteen thousand dollars ;

For clothing, maintenance, support and instruction of the feeble-minded persons, inhabitants of this state, forty-seven thousand five hundred dollars ;

For maintenance, support and instruction of feeble-minded women, twenty thousand dollars.

45.

FACTORIES AND WORKSHOPS.

Factories.

For the inspector and six deputy inspectors of factories and workshops, for salaries, pursuant to chapter one hundred and eight, laws of one thousand eight hundred and eighty-nine, eighty-five hundred dollars ;

For the necessary expenses incurred by the inspector and his deputies in the discharge of their duties, pursuant to said law, two thousand dollars.

46.

STATE CHARITIES AID ASSOCIATION.

Charities aid
association.

For expenses of the association, six hundred dollars.

47.

STATE TRAVELING LIBRARIES.

Traveling
libraries.

For the board of commissioners of the state library, one thousand five hundred dollars, pursuant to chapter one hundred and seventy-five of the laws of one thousand eight hundred and ninety-eight.

48.

SINKING FUND ACCOUNT.

For the state treasurer for "sinking fund account," for Sinking fund.
 payment of interest on war debt falling due January first
 and July first, one thousand nine hundred, four thousand
 two hundred and sixty dollars ;

For the state treasurer for expenses in foreclosure and
 other necessary legal proceedings relative to sinking fund
 account, one thousand dollars.

49.

ADVERTISING.

For advertising proclamations issued by the governor, Advertising.
 notices of the attorney general in relation to delinquent mis-
 cellaneous corporations, and notices of the comptroller in
 regard to public printing, et cetera, two thousand five hun-
 dred dollars.

50.

PRINTING.

For printing and binding public documents, thirty-five Printing.
 thousand dollars ;

For compensation of an expert printer for services in
 preparation of specifications for bids, supervision of work,
 examination of bills, and such other duties as may by law
 be imposed upon him, six hundred dollars ;

For preparing index of sessions laws, one hundred dollars ;

For printing and circulation of the laws, nine thousand
 dollars.

51.

PUBLIC ROADS.

For public roads, pursuant to the provisions of chapter Roads.
 forty-three of the laws of one thousand eight hundred and
 ninety-nine, one hundred and fifty thousand dollars ;

For the state commissioner of public roads, for salary, fifteen hundred dollars;

For expenses for clerk hire, attorney and consulting engineer, fees, stationery and actual traveling expenses, one thousand five hundred dollars.

52.

OYSTER COMMISSION.

Oyster
commission.

Proviso.

To promote the propagation and growth of seed oysters and to protect the natural oyster-seed grounds of this state, ten thousand dollars; *provided*, such sum shall be authorized by enactment of the present legislature;

For the preservation of clams, pursuant to chapter three hundred and fourteen of the laws of one thousand eight hundred and ninety-five, two thousand dollars.

53.

LEGISLATURE.

Legislature.

For compensation of senators and members of the general assembly, forty thousand eight hundred and thirty-three dollars and thirty-two cents;

For compensation of officers and employes of the legislature, thirty thousand one hundred and fifty dollars;

For stationery for use of the legislative session, pursuant to chapter two hundred and eight of the laws of one thousand eight hundred and sixty-eight, five hundred dollars;

For manuals of the legislature of New Jersey, pursuant to chapter eighteen of the laws of one thousand eight hundred and ninety-one, two thousand dollars.

For indexing the journal of the senate and minutes of the executive sessions and the minutes of the house of assembly, and other incidental and contingent expenses of the legislature, sixty-seven hundred dollars.

For toilet and other necessary supplies for use at the legislative session, to be furnished by the state house commission, seven hundred dollars.

54.

COLLATERAL INHERITANCE TAX.

For surrogates' fees, appraisers' compensation and expenses, legal and other disbursements, pursuant to chapter two hundred and ten of the laws of one thousand eight hundred and ninety-four, ten thousand dollars. Inheritance tax.

55.

INSURANCE.

For insurance upon state house and contents thereof, five hundred dollars. Insurance.

56.

REFUNDING TAXES ON EXEMPTED MISCELLANEOUS CORPORATIONS.

For taxes improperly levied upon exempted corporations and to be refunded pursuant to law, one thousand dollars. Refunding tax.

57.

WEATHER SERVICE.

For the continuance of weather stations and preparation, printing and distribution of reports, pursuant to chapter two hundred and fifty-eight of the laws of one thousand eight hundred and ninety-two, one thousand dollars. Weather service.

58.

BODIES THROWN UPON SHORES OF THE STATE BY SHIPWRECK.

For expenses incurred in viewing bodies cast upon shores by shipwreck, one hundred dollars. Shipwrecked bodies.

59.

BOARD OF PILOT COMMISSIONERS.

Pilot
commission.

For expenses incurred by the commissioners, pursuant to chapter three hundred and seven of the laws of one thousand eight hundred and ninety-five, twelve hundred dollars.

60.

AGRICULTURAL COLLEGE FUND.

Agricultural
college.

To the treasurer of Rutgers college, for interest on forty-eight thousand dollars, certificate of indebtedness of the state of New Jersey due January first and July first, one thousand nine hundred, pursuant to the provisions of chapter one hundred and thirty-five of the laws of one thousand eight hundred and ninety-six, two thousand four hundred dollars.

61.

PRESERVATION OF RECORDS.

"Archives."

For the purpose of publishing the early records of this state, known as "New Jersey Archives," three thousand five hundred dollars.

62.

RIPARIAN COMMISSION.

Riparian
commission.

For salaries of riparian commissioners, six thousand dollars;

For expenses incurred in the prosecution of the work of the commissioners, six thousand dollars.

63.

OBSTRUCTIONS TO NAVIGATION.

Obstructions to
navigation.

For expenses incurred in removing any boat, barge or scow stranded or sunk in any of the navigable rivers of this state, five hundred dollars.

64.

MANUAL TRAINING AND INDUSTRIAL SCHOOL AT BORDENTOWN.

For maintenance of the manual training and industrial school at Bordentown, pursuant to the provisions of chapter fifty-three of the laws of one thousand eight hundred and ninety-seven, five thousand dollars.

Bordentown school.

65.

DEAF-MUTES.

For the trustees of the New Jersey school for deaf-mutes, for the teaching, maintenance and clothing of pupils taught therein, for purchase and repair of furniture, school apparatus and other appliances, for making needed improvements and repairs in the buildings and grounds, for insurance thereof, and for maintaining the system of manual and industrial education in said school, forty-three thousand dollars.

Deaf-mutes.

66.

STATE NORMAL SCHOOL.

For the support of the state normal school, forty-five thousand dollars;

Normal school.

For necessary repairs to the grounds, buildings and furniture, and for keeping the same insured, five thousand dollars.

67.

FREE SCHOOL LIBRARIES.

For the formation of libraries in the free public schools of the state, five thousand five hundred dollars.

School libraries.

68.

FARNUM PREPARATORY SCHOOL.

For the support of the Farnum preparatory school at Beverly, twelve hundred dollars.

Farnum school.

69.

INDUSTRIAL EDUCATION.

Industrial
education.

For payments to schools established for industrial education, pursuant to chapter one hundred and sixty-four of the laws of one thousand eight hundred and eighty-one, nine thousand dollars;

For payments to schools for manual training, pursuant to chapter thirty-eight of the laws of one thousand eight hundred and eighty-eight, thirty-three thousand dollars;

For payments to schools established for industrial education, pursuant to chapter one hundred and fourteen of the laws of one thousand eight hundred and eighty-eight, three thousand dollars.

70.

SUPERINTENDENT OF PUBLIC INSTRUCTION.

Department of
education.

For salary of state superintendent of public instruction, three thousand dollars;

For clerical service in office of state superintendent of public instruction, five thousand dollars;

For stationery and blanks, two thousand dollars;

For necessary incidental expenses incurred by the state superintendent of public instruction in the performance of his official duties and for supervision of manual training, two thousand dollars.

71.

SCHOOL FUND EXPENSES.

School fund.

For necessary legal and other expenses incurred by or under the direction of the trustees for the support of public schools in the investment and protection of the school fund, and in the collection of the income thereof, four thousand dollars.

72.

STATE BOARD OF EDUCATION.

For necessary expenses of the state board of education, Board of education.
two thousand dollars ;

For procuring plans for school-houses, five hundred dollars ;

For supervising plans of new school-houses by state board of education, one thousand dollars.

73.

TEACHERS' INSTITUTES.

For expenses of teachers' institutes, three thousand dollars. Teachers' institutes.

74.

TEACHERS' LIBRARIES.

For the establishment of libraries for use of teachers, six Teachers' libraries.
hundred dollars.

75.

SCHOOL CENSUS.

For the person appointed by the state board of education School census.
to have charge of the details of taking the school census,
one thousand five hundred dollars.

76.

EMERGENCY.

For the governor, to enable him to meet any emergency Emergency.
requiring the expenditure of money not otherwise appropriated, the sum of ten thousand dollars, said sum, or any

part thereof, to be paid by the treasurer on the warrant of the comptroller upon accounts approved by the governor.

77.

NEWARK ARMORY.

Newark armory. For the purpose of erecting an armory in the city of Newark, pursuant to chapter sixty-two of the laws of one thousand eight hundred and ninety-seven, fifty thousand dollars.

78.

RAHWAY REFORMATORY.

Reformatory. For the Rahway reformatory, pursuant to chapter three hundred and fifty-seven of the laws of one thousand eight hundred and ninety-five, the sum of two hundred and thirty thousand dollars, for the completion and construction of such buildings and appurtenances as will make the reformatory forthwith available for the reception and care of not less than two hundred and forty inmates; *provided*, that no part of this appropriation shall be paid unless and until the plans heretofore adopted shall be so modified as to secure a material reduction in the size and cost of such of the buildings to be hereafter constructed as the governor shall designate, and until there shall be presented to the governor, in such form and with such detail, and upon such terms as he may require, plans and estimates for the expenditure of the amount hereby appropriated, and for the future construction of the reformatory, the governor being hereby authorized to employ competent experts for his advice and assistance, whose compensation shall be paid out of the moneys hereby appropriated.

Proviso.

79.

Refunding
consideration
where title
failed

For amount required to carry out the provisions of "An act to authorize the refunding of the consideration received by the state in certain cases where title to the lands lying under water conveyed by it or sought to be conveyed has

wholly or partially failed, and to provide for reconveying such title to the state and releasing claims against it," approved March thirtieth, one thousand eight hundred and ninety-eight, twenty thousand nine hundred and twenty-three dollars and ninety-one cents; *provided*, that at the discretion of the governor no part of this appropriation shall be paid to any single claimant unless the awards are accepted by all. Proviso

80.

NEW JERSEY HOME FOR DISABLED SOLDIERS, SAILORS,
MARINES AND THEIR WIVES.

For salaries and expenses, pursuant to chapter one hundred and seventy-four of the laws of one thousand eight hundred and ninety-eight, seven thousand five hundred dollars. New Jersey home.

81.

For the better regulation and control of the taking, planting and cultivating of oysters on lands lying under the tidal waters of the Delaware bay and Maurice river cove, in the state of New Jersey, six thousand one hundred dollars; *provided*, such sum shall be authorized by enactment of the present legislature. Protecting oysters.
Proviso.

82.

VILLAGE FOR EPILEPTICS.

For salaries, maintenance and repairs, ten thousand dollars, provided such sum shall be authorized by enactment of the legislature. Epileptics.

2. The following sum is hereby appropriated out of the income of the school fund for the purpose specified for the fiscal year ending on the thirty-first day of October, in the year one thousand nine hundred :

82a.

"Maine"
monument.

For the governor to carry out the provisions of "An act to fittingly commemorate the memory and services of the sailors from the state of New Jersey who lost their lives by the destruction of the battleship 'Maine,' in the Havana harbor on February fifteenth, one thousand eight hundred and ninety-eight, for the erection of a suitable monument with which to mark their final resting places," approved March fifteenth, one thousand eight hundred and ninety-nine, five hundred dollars.

83.

FREE PUBLIC SCHOOLS.

Public schools.

For the support of free public schools, two hundred thousand dollars.

84.

Purchase of
bonds.

There shall be paid from the income of the school fund such sums required to pay premiums and accrued interest on bonds purchased by the trustees for the support of public schools.

Funds used as
specified.

3. No money shall be drawn from the treasury except for the objects as herein above specifically appropriated, and except such sums which are by law devoted to specific purposes, namely, state school tax, United States appropriation to agricultural college, United States appropriation for disabled soldiers, agricultural college fund and taxes for the use of taxing districts in this state, and loans to "state school fund," which last-named sums shall be paid pursuant to the laws applicable thereto.

Enacting clause.

4. This act shall take effect on the first day of November, one thousand eight hundred and ninety-nine.

Approved March 24, 1899.

PROCLAMATIONS.

(609)

PROCLAMATIONS BY THE GOVERNOR.

EXECUTIVE DEPARTMENT.

PROCLAMATION BY THE GOVERNOR.

WHEREAS, Foster M. Voorhees, who, at a general election held on the first Tuesday after the first Monday in November, in the year eighteen hundred and ninety-six, was duly declared to have been elected a member of the Senate of this State from the county of Union, and subsequently thereto duly qualified as such Senator, resigned on the eighteenth day of October, in the year one thousand eight hundred and ninety-eight, whereby a vacancy has occurred in the representation of said county of Union in said State Senate.

Therefore, I, David O. Watkins, Speaker of the House of Assembly, Acting Governor of the State of New Jersey, by the requirement of law do hereby issue this my Proclamation, commanding and requiring that an election be held, according to law, in said county of Union, on Tuesday, the eighth day of November next ensuing the date hereof, for the purpose of electing a member of the Senate of this State to fill the said vacancy occasioned by the resignation of the said Foster M. Voorhees.

[L. s.] Given under my hand and the great seal of the State of New Jersey, at Trenton, the twenty-first day of October, in the year of our Lord one thousand eight hundred and ninety-eight, and of the Independence of the United States the one hundred and twenty-third.

DAVID O. WATKINS.

By the Speaker of the House of Assembly, Acting Governor.

GEORGE WURTS,
Secretary of State.

(611)

PROCLAMATION BY THE GOVERNOR.

The advent of another November brings to mind the hallowed and beneficent custom of giving thanks to Almighty God for all His blessings bestowed upon us during the year.

While upon each individual soul there rests a debt of gratitude for countless blessings of a personal nature, and while there dwells within the people as a whole a realization of deep obligation for the success and prosperity manifested in every direction throughout our land, we are all made keenly aware of His very especial blessing by that Divine Providence that has brought to a speedy and successful termination a conflict for the betterment of humanity and of His cause, by which we have been spared the misfortune of protracted warfare.

Therefore I, David O. Watkins, Speaker of the House of Assembly, Acting Governor, do designate and set apart Thursday, the 24th day of November, inst., as a day of Thanksgiving, on which day I do recommend that the people assemble in their places of worship for a service of praise and thanks to Almighty God for the blessings bestowed upon us individually and collectively, for the courage and hope that inspire our people, and for all the benefit of liberty and civilization which we enjoy.

[L. s.] Given under my hand and privy seal, in the city of Trenton, this first day of November, in the year of our Lord one thousand eight hundred and ninety-eight.

DAVID O. WATKINS.

By the Speaker of the House of Assembly,
Acting Governor.

HOBART TUTTLE

Private Secretary.

PROCLAMATION.

WHEREAS, the Legislature in the State of New Jersey by joint resolution, approved February 25th, 1884, did authorize the Governor to designate a day in the month of April in each year for the planting of forest trees;

Now, therefore, I, FOSTER M. VOORHEES, Governor of the State of New Jersey, do hereby set apart Friday, the 28th day of April, 1899, as Arbor Day, and do recommend that that day be devoted by the people to the planting of forest trees and to appropriate exercises in the schools of the State.

[L. s.] In testimony whereof I have hereunto set my hand and caused the seal of the State to be affixed, at Trenton, this 8th day March, 1899.

FOSTER M. VOORHEES,
Governor.

By the Governor.

GEORGE WURTS,
Secretary of State.

DECREE OF DISSOLUTION.

DECREE OF DISSOLUTION.

IN CHANCERY OF NEW JERSEY.

CHARLES T. CREWS
against
THE UNITED STATES CAR COMPANY. }

Upon opening the matter this day to the court by McGee, Bedle & Bedle, of counsel for William C. Lane and Flavel McGee, receivers, and it appearing to the court from the report of said receivers, dated September 30th, 1898, and filed herein, and from the petition of said receivers and the affidavit of Carl A. De Gersdorff, each verified December 30th, 1898, and hereto annexed, that the debts of The United States Car Company, the defendant herein, have not been and cannot be paid or provided for, and that there does not remain and cannot be obtained by further contribution sufficient capital to enable said defendant corporation to resume its business.

It is ordered, adjudged and decreed that the United States Car Company be and the same is hereby dissolved, and that the charter of said The United States Car Company be and the same is hereby, without prejudice to the pending appeal by the State of New Jersey, declared forfeited and void.

ALEX. T. MCGILL,
Chancellor.

Dated December 31st, 1898.

I, Lewis A. Thompson, Clerk of the Court of Chancery of the State of New Jersey, the same being a court of record, do hereby certify that the foregoing is a true copy of the order forfeiting charter in a cause wherein Charles T. D.

Crews is complainant and the United States Car Company is defendant, now on the files of my office.

[SEAL.] In testimony whereof I have hereto set my hand and affixed the seal of said court, at Trenton, this nineteenth day of January, A. D. eighteen hundred and ninety-nine.

LEWIS A. THOMPSON,

Clerk.

Endorsed—"Filed Jan. 21, 1899.

GEORGE WURTS,

Secretary of State."

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