ACTS

OF THE

One Hundred and Thirty-Third Legislature

OF THE

STATE OF NEW JERSEY

AND

Sixty-Fifth Under the New Constitution.



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The following laws, passed by the One Hundred and Thirty-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 of the Governor follow. An index of all the laws, compiled in accordance with the act of 1895, completes the work.

S. D. DICKINSON,

Secretary of State.

New Jersey State Library

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OF THE

One Hundred and Thirty-Third Legislature

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LAWS.

ACTS

PASSED BY THE

One Hundred and Thirty-Third Legislature.

CHAPTER 1.

An Act authorizing cities and other municipalities of this State to appropriate moneys for the celebration of the one hundredth anniversary of the birthday of Abraham Lincoln.

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

1. It shall be lawful for the Common Council, Board of Aldermen, Board of Finance or other governing body of any city or other municipality in this State, in addition to the powers conferred upon them by their respective charters or by law to appropriate such sums of money as they may deem expedient for the celebration of the one hundredth anniversary of the birthday of Abraham Lincoln; *provided,* that such expenditures shall not exceed the sum of two thousand dollars in any city of the first class, one thousand dollars in any other city, and five hundred dollars in any other municipality.

Appropriation for Lincoln celebration.

Proviso.

2. This act shall take effect immediately.

Approved January 26, 1909.

JOHN FRANKLIN FORT,

Governor.

CHAPTER 2.

A Supplement to an act entitled "An act concerning District Courts (Revision of 1898)," 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*:

Powers of justice of peace in judicial districts.

1. Where a judicial district shall have heretofore been established or may hereafter be established under the act to which this is a supplement, justices of the peace residing within any such judicial district are hereby empowered and given jurisdiction over all civil matters in which the process for appearance shall actually have been issued prior to the formation of such judicial district, such jurisdiction extending to the right to hear and try such actions, give judgment therein, issue and execute executions and executory processes, grant and perfect appeals and issue transcripts thereon, and execute and issue transcripts for docketing judgments in the Court of Common Pleas of the county wherein such justice of the peace resides.

2. This act shall take effect immediately.

Approved February 26, 1909.

CHAPTER 3.

A Supplement to an act, entitled "An act concerning the militia of the State," approved May sixteenth, one thousand nine hundred and six.

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

1. From and after the passage and approval of this act any commissioned officer of the National Guard or Naval Reserve of this State may, upon reaching the age of sixty-two years, be retired from active service and placed upon the retired list, upon his application to the Adjutant-General for that purpose. Retirement upon application.

2. When any commissioned officer of the National Guard or Naval Reserve of this State shall reach the age of sixty-four years, he shall be retired from active service and placed on the retired list. Compulsory retirement.

3. All officers hereafter retired from the active service shall be retired upon the actual rank held by them at the date of retirement unless a brevet rank shall be granted, as provided in section ninety-five of the act to which this act is a supplement. Rank.

4. All officers retired from active service shall be withdrawn from command. Not to command.

5. This act shall take effect immediately.

Approved March 2, 1909.

CHAPTER 4.

An Act to amend an act entitled "An act to amend an act entitled '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,' approved March twenty-fourth, eighteen hundred and ninety-nine, and for the better enforcement of the provisions of said act and to extend the provisions of said act to the lands lying under the tidal waters of the Delaware river," approved March twenty-second, nineteen hundred and one.

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

Section amended.

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

Qualifications of applicant for lease or license.

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 said application; and the oyster superintendent, before 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 bona fide by citizens and actual residents of this State, and who have been such for twelve months next preceding; or that in the year nineteen hundred and eight said boat or vessel was actually used in the business of catching, planting and growing oysters in the

Delaware bay and Maurice River Cove; *provided, however,* that no boat or vessel owned in whole or in part by a non-resident and licensed in any other State to catch oysters on natural beds or grounds in such other State shall be licensed in this State within the same year in which such license to catch oysters in such other State shall have been or shall be issued. Such oaths may be made and taken by and before the several members of the State Oyster Commission and the Oyster Superintendent, and the State Oyster Commission shall have power to revoke any lease or license issued by reason of any false oath made or taken under any provision of this act; *provided, further,* that nothing in this section contained shall apply to the renewal of any lease as provided for in sections five or seven of the act of which this act is amendatory. Proviso. Oath. Proviso.

2. This act shall take effect immediately.

Approved March 2, 1909.

CHAPTER 5.

An Act to amend an act entitled "An act to enable the Board of Chosen Freeholders of any of the several counties of this State to construct and reconstruct bridges over and across navigable rivers or streams therein in certain cases, and providing for the regulation thereof," approved March twenty-eighth, one thousand eight hundred and ninety-two, as amended by an act entitled "An act to amend an act entitled 'An act to enable the Boards of Chosen Freeholders of any of the several counties of this State to construct and reconstruct bridges over and across navigable rivers or streams therein in certain cases, and providing for the regulation thereof,' approved March twenty-eighth, one thousand eight hundred and ninety-two," approved April sixth, one thousand nine hundred and eight.

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

Section 2 amended.

1. Section two of the act entitled "An act to enable the Board of Chosen Freeholders of any of the several counties of this State to construct and reconstruct bridges over and across navigable rivers or streams therein in certain cases, and providing for the regulation thereof," approved March twenty-eighth, one thousand eight hundred and ninety-two, as amended by an act entitled "An act to amend an act entitled 'An act to enable the boards of chosen Freeholders of any of the several counties of this State to construct and reconstruct bridges over and across navigable rivers or streams therein in certain cases, and providing for the regulation thereof,' approved March twenty-eighth, one thousand eight hundred and ninety-two," approved April sixth, one thousand nine hundred and eight, is hereby amended so as to read as follows:

May issue bonds.

2. To defray and meet the cost and expense of erecting, constructing or reconstructing any bridge or bridges under the authority of the first section of this act, and of all draws, apparatus, appliances and things required therefor, including all expenses necessarily incident thereto, the Board of Chosen Freeholders of any such county is hereby authorized to issue bonds of such county, in the proper corporate name thereof, for

Amount.

such sum or sums as said board may deem necessary for such purpose or purposes, which said bonds shall

Time.

run for, and be made due and payable, not exceeding thirty years from the date of the issue thereof, shall

Rate.

bear interest at not exceeding five per centum per annum, and shall be issued in such sums as such board shall by resolution determine, which bonds shall be signed by the director of such board for the time being and the county collector of the county, under the corporate seal thereof, and shall state upon their face for what purpose the same are issued, and shall be sold for not less than par, and annually thereafter such board shall place in the tax levy a sufficient sum to meet the interest on said bonds, and a further sum to be de-

Sinking fund.

posited in a sinking fund, to be created for the pur-

pose, to pay and discharge such bonds at maturity; *provided,* that the amount of bonds to be issued under this act for the erection, construction or reconstruction of a single bridge shall not exceed the sum of three hundred and fifty thousand dollars. Proviso

2. This act shall take effect immediately.

Passed March 3, 1909.

CHAPTER 6.

An Act relative to the printing and to facilitate the use of the pamphlet laws of this State.

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

1. At the top of each page of the pamphlet laws of this State as published annually, containing the text of the acts of the Legislature, shall be printed in legible type of the size known as bourgeois, and in a convenient place for reference, the number of the chapter or chapters printed in whole or in part on the page below. Chapter reference at top of page.

2. This act shall take effect immediately.

Approved March 9, 1909.

CHAPTER 7.

An Act to amend an act entitled "An act to amend an act entitled 'An act concerning District Courts (Revision of 1898),' approved June fourteenth, one thousand eight hundred and ninety-eight," which amendatory act was approved April first, one thousand nine hundred and eight.

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

Section 20 amended.

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

Section 69 amended.

20. Section 69 of the act to which this is an amendment is hereby amended so as to read as follows:

Attachment may issue for $500.

69. If any creditor, his agent or attorney shall make oath or affirmation, either that he verily believes that his debtor absconds from his creditors, and is not, to his knowledge or belief, resident in this State at the time, or that the person against whose estate an attachment is about to be issued is not, to the knowledge or belief of said creditor, resident in this State at the time, and that he owes to said creditor a certain sum of money, specifying as nearly as he can the amount of the debt or balance, the clerk of any District Court of this State shall, and he is hereby required to issue out of said District Court an attachment under his hand and the seal of said court for any sum not exceeding five hundred dollars, directed to a constable, or a sergeant-at-arms, who shall execute the same in the following matter, that is to say, the officer to whom it is directed shall go to the house or lands of the defendant, or to the person or house of the person in whose custody or possession the defendant's property or estate may be, and then and there declare, in the presence of one credible person, at the least, that he attaches the rights and credits, moneys and effects, goods and chattels of such defendant, at the suit of the plaintiff in the said writ named; the property attached shall be inventoried and appraised by the officer, with the assistance of one disinterested person, and safely kept by

How executed.

Property inventoried.

the officer, and his inventory and appraisement shall be annexed to and returned with the writ, and such writ shall bind the property attached from the time of executing the same; and upon the return of such attachment the said judge of the District Court shall appoint a day for the hearing of the said cause not less than twenty days from the issuing of the said writ; on or before which day so appointed the plaintiff in the said attachment shall file a copy of his account, or state of demand, and if the creditor shall make sufficient proof of the debt due to him the said court shall give judgment therein for the plaintiff and award execution thereon to the constable against the effects of the defendant, as in other cases cognizable before said court, but the effects of the defendant thereon taken shall not be sold in less than one month (unless the same are perishable) to the end that the debtor, or his friend, may redeem the same, and in the meantime the same shall be safely kept in such manner as the court shall direct, or the same may be disposed of, if the situation of the property, the expenses of its care, or its nature shall require, whereupon, on the written order of the court, on application for that purpose, and filed with the clerk, execution shall issue immediately for the sale of the property attached.

Hearing.

State of demand filed.

Redemption, sale of effects.

2. This act shall take effect immediately.

Approved March 15, 1909.

CHAPTER 8.

An Act to provide funds to be used for opening, widening and vacating streets and highways 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 common council or other body having control and management of the finances

Funds for street improvements.

of cities of the first class in this State, in their discretion, at the request of the board or body having the control and management of streets and highways in such city, to provide funds for the opening, widening and vacating of streets and highways therein, not to exceed in all the sum of five hundred thousand dollars ($500,000), and to place from time to time, such sum or sums as may be necessary for such purposes, at the disposal of the board or body having the control and management of streets and highways, to be used by such board or body for the opening, widening or vacating of any particular street or streets, or parts thereof, under the conditions and limitations hereinafter specified.

Amount.

Sum needed certified to financial body.

2. Whenever the board or body having the control and management of streets and highways in such city shall, by resolution, determine upon the amount of money necessary or desirable for a fund for the purpose of opening, widening or vacating any particular street or streets at that time, they shall prepare and present to the common council or other body having control of the finances of such city, a certificate setting forth the amount of money which, in the judgment of said board or body, is necessary for the opening, widening or vacating of the particular streets or streets, which said board or body, at that time, proposes to open, widen or vacate, together with the facts, estimates and information upon which said such judgment is based, and the said common council, or body having the control of the finances of the city in its discretion may, thereupon, by resolution, appropriate to the said board or body having the control and management of the streets and highways of such city, such amount of money, to be used for such purposes by said board or body.

Temporary loan bonds.

3. In order to provide the money necessary and required for such opening, widening or vacating, and appropriated from time to time for such purposes, the common council, or other board or body having control of the finances of such city, shall issue, or cause to be issued, from time to time, as may be neces-

sary, the temporary loan bonds or certificates of the city, bearing interest at a rate not to exceed five per centum per annum, which temporary loan bonds or certificates may be renewed from time to time until the assessments for benefits for such improvements are paid; *provided,* that the total amount of temporary loan bonds or certificates issued under the authority of this act shall not exceed in all the sum of five hundred thousand dollars ($500,000). Should the total cost of opening, widening or vacating any street exceed the amount of money appropriated therefor in the first instance as provided in section two of this act, the said common council, or other board or body having control of the finances of such city, shall appropriate such excess cost over the first appropriation to the board or body having control of the streets and highways, upon their requisition, and provide for the same by the issue of temporary loan bonds or certificates as hereinbefore in this section provided.

Rate.

Proviso.

In case of deficiency.

4. And all assessments for benefits conferred by such improvements and all interest thereon and penalties, when collected, shall be credited to the temporary loan bonds or certificates issued on account thereof, and as collected and received shall be used to pay off and retire such temporary loan bonds or certificates, and for no other purpose whatsoever.

Assessments credited to loan.

5. All assessments for benefits for such street openings, widenings, vacations, and all interest and penalties thereon imposed, shall be a first lien upon the lands and real estate especially benefited thereby in conformity with the provisions of the existing law in force in said city with respect thereto, and shall in all things be assessed, imposed, levied and collected in accordance with such existing law.

Assessments, a lien.

6. Such city may issue, from time to time, permanent bonds, either registered or coupon, or both, negotiable in form, to run for a period of not less than twenty nor more than forty years, and to bear interest not exceeding the rate of five per centum per annum, and of such form as the common council or other board or body having control of the finances shall determine,

Permanent bonds.

Time.

Rate.

Purposes of issue.

for the purpose of raising money to take up, pay and retire so much and such part of the temporary loan bonds or certificates issued for the cost of any particular improvement or improvements, as will not be provided for by assessments for benefits assessed and imposed for such improvement or improvements, and also to provide for the payment of any part of the costs of any such improvement or improvements that may be assessed upon the city at large. The common council or other board or body having control of the finances of such city shall provide each year in the tax levy for the payment of the interest falling due in that year upon any temporary loan bonds or certificates or permanent bonds so issued, and shall also provide for a sinking fund sufficient to meet and pay all permanent bonds issued under the provisions of this act at maturity.

Sinking fund.

Act gives additional funds.

7. This act shall not be construed to repeal, modify, supersede or take the place of any law or laws now in force, providing for a capital fund or funds for the opening, widening, vacating or otherwise improving of streets and highways, but is intended to be in addition thereto, and not to prevent or interfere with the raising or providing of capital fund or funds for street improvements and the making of street improvements under any law or laws now in force as well as under the provisions of this act.

Repealer,

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

Approved March 15, 1909.

CHAPTER 9.

A Supplement to an act, entitled "An act relating to courts having criminal jurisdiction and regulating proceedings in criminal cases (Revision of 1898)," approved June fourteenth, eighteen hundred and ninety-eight.

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

Stenographer to attend grand jury.

1. In any county in which there are two judges of the Court of Common Pleas, the justice of the Supreme Court holding the circuit of such county may designate in writing some person who is a competent stenographer, and who is regularly employed in the office of the prosecutor of the pleas of such county, at a stated salary, to act as assistant to the clerk of the grand jury of such county, in addition to his regular duties in said office; and it shall be lawful, when requested by the grand jury, for the person so designated to attend the sessions of the grand jury and take minutes of the evidence there adduced; *provided,* the person so designated shall not be entitled to any extra compensation for his services as assistant to the clerk of the grand jury.

Proviso.

2. This act shall take effect immediately.

Approved March 16, 1909.

CHAPTER 10.

An Act to amend an act entitled "An act relating to the management of the New Jersey Reformatory," approved March twenty-first, one thousand nine hundred and one.

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

Section 3 amended.

1. Section three of the act entitled "An act relating to the management of the New Jersey Reformatory,"

approved March twenty-first, one thousand nine hundred and one, be and the same is hereby amended so as to read as follows:

Government, rules, etc.

3. They may establish a system of government for the reformatory, and make all needful rules and regulations for the management thereof and for the care, support, discipline, detention and discharge of the inmates; they may use any method of education and employment which, in their judgment, will best promote the interests of the inmates and secure their reformation; they shall appoint, subject to removal by the Commission for cause, a superintendent who shall hold office for a term of five years; the salary of the superintendent shall be three thousand five hundred dollars per year and, in addition, there shall be provided free maintenance and a house of residence for the said superintendent and his family; the commissioners shall fix and determine the number of subordinate officers, the amount of compensation to be paid to them and the amount and sufficiency of their bonds, if any; *provided, however,* that no salary greater than one thousand five hundred dollars per year shall be given to any subordinate officer except as otherwise provided.

Superintendent.

Salary and term.

Assistants.

Proviso.

2. This act shall take effect immediately.

Approved March 16, 1909.

CHAPTER 11.

An Act to amend an act entitled "An act to amend an act entitled 'An act to establish a thorough and efficient system of free public schools, and to provide for the maintenance, support and management thereof,' approved October nineteenth, one thousand nine hundred and three," which amendment was approved May seventh, one thousand nine hundred and seven.

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

1. Section two of an act entitled "An act to amend an act entitled 'An act to establish a thorough and efficient system of free public schools, and to provide for the maintenance, support and management thereof,' approved October nineteenth, one thousand nine hundred and three," approved May seventh, one thousand nine hundred and seven, be and the same is hereby amended to read as follows: Section amended.

2. Section ninety-one of the act to which this is an amendment is hereby amended to read as follows: Section 91 amended.

91. Every board of education organized under the provisions of this article shall, by the majority vote of all the members of such board, appoint a district clerk, who may be elected from among said members, and shall fix his compensation and term of employment. Said district clerk, as such, may be removed by a majority vote of all the members of said board. He shall, before entering upon the duties of his office, execute and deliver to said board a bond in a sum to be fixed by said board, with surety or sureties to be approved by said board, conditioned for the faithful performance of the duties of his office. Said board may accept the bond or undertaking of a trust company, or surety or indemnity company, and may pay the annual premium or fee therefor as a current expense of said board. He shall record in a suitable book all proceedings of the board of education, of the annual school meetings and of special school meetings. He shall pay out by orders on the custodian of the school moneys of the school district, and in the manner prescribed by law, all school moneys of the district. He shall keep a correct and detailed account of all the expenditures of school moneys in the district, and shall report to the board at each regular meeting the amount for which warrants shall have been drawn since the date of his last report, the accounts against which said warrants shall have been drawn, and the balance to the credit of each account. At each annual school meeting he shall present his record books and his accounts for public inspection, District clerk. Bond. Records, duties, etc. Annual report.

Further duties.

and shall make a statement of the financial condition of the district. He shall post notices of the annual and of any special meeting of the legal voters, and shall insert in said notices the object or objects for which said meeting shall be called; shall notify all members of the Board of Education of all regular and special meetings of the board, and during the month of July in each year he shall present to the Board of Education a detailed report of the financial transactions of the board during the preceding school year, and file a copy thereof with the county superintendent of schools. The

When balance salary paid.

warrant or order for the balance of salary due a district clerk at the close of the school year shall not be delivered to him until written notice has been received from the county superintendent that such district clerk has filed with him such annual report.

2. This act shall take effect immediately.

Approved March 16, 1909.

CHAPTER 12.

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

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

Section 1 amended.

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

Village trustees may improve streets.

1. The trustees of any village in this State incorporated under this act shall have power and authority by ordinance to grade or regrade, pave or repave, or otherwise improve, any street, avenue or section of the same

within such village (the word section in this paragraph to be understood as meaning a part of a street or avenue bounded at each end by an improved cross street or avenue, or bounded at one end by a cross street or avenue and at the other end by the village boundaries or other termination of such street or avenue within such village), and to cause the costs of such improvement to be assessed to the extent of the benefit received, upon the lands fronting on the street, avenue or section thereof so improved, and upon such other lands as may be benefited by such improvement.

Assessment for benefits.

2. This act shall take effect immediately.

Approved March 16, 1909.

CHAPTER 13.

An Act to authorize cities of this State located on or near the ocean, which may now or hereafter own any land contiguous to the beach or ocean front, to protect and improve such lands and the beach or ocean front contiguous thereto, and to issue bonds therefor.

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 in this State bordering upon the Atlantic Ocean now or hereafter owning land contiguous to the beach or ocean front is hereby authorized to protect such lands and the beach or ocean front contiguous thereto from encroachment by the sea and to improve the same for public use and recreation, and to that end to build bulkheads, jetties and other works or structures for the protection thereof, and to erect thereon boardwalks, roads, piers, wharves, bathing houses, bathing pools, pavilions and other buildings and structures, and otherwise in their discretion to improve the same.

Beach protection and improvements.

Bond issue.

2. The common council or other governing body of any such city is hereby authorized by resolution from time to time to issue and sell for not less than par, bonds of such city to an amount not exceeding in the aggregate the sum of one hundred and fifty thousand dollars, payable not more than forty years from the date of their issue, bearing interest not exceeding five per cent. per annum, payable semi-annually, and to apply the proceeds of such bonds to the payment of the cost of works or improvements authorized by this act. Such bonds shall be sealed with the corporate seal of the city and executed in such manner and be in such form as the common council or other governing body may by such resolution provide. Such bonds shall contain a recital that they are issued pursuant to this act and such resolution, which recital shall be conclusive evidence of their validity and the regularity of their issue.

Amount.

Time.

Rate.

Sinking fund.

3. The common council or other governing body of any city issuing bonds under the authority of this act shall provide for a sinking fund sufficient to retire said bonds at maturity, into which shall be paid annually an amount not less than one per centum of the principal of such bonds, to be raised by special tax to be assessed, levied and collected with the other taxes of such city; and there shall be likewise raised by tax each year until the payment in full of such bonds an amount equal to the interest payable on such bonds in such year.

Additional powers.

4. The powers conferred by this act shall be deemed to be in addition to and independent of any and all powers and authority conferred by any other law or laws, and not subject to any limitation contained in such other law or laws; *provided, however,* that nothing in this act shall operate as an extinguishment or abrogation of any obligation or covenant heretofore created or entered into by virtue of any agreement, deed or other conveyance entered into between any such city and any property owner, under which agreement, deed or other conveyance lands on the ocean or

Proviso.

beach front of such cities have been subjected to limitations or restrictions as to use.

5. This act shall take effect immediately.

Approved March 16, 1909.

CHAPTER 14.

An Act to amend an act, entitled "A supplement to an act, entitled 'An act to enable cities to supply the inhabitants with pure and wholesome water,'" which act was approved April twenty-first, one thousand eight hundred and seventy-six, and which supplement was approved March ninth, one thousand eight hundred and seventy-seven.

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

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

Section 3 amended.

3. Be it enacted, that such portions of the moneys received from the water rents or prices paid for the use of water, and interest on arrears of water rents, as may remain after paying all expenses and costs for purchasing water works, or for constructing and maintaining water works, and raising and distributing the water, and salaries, wages and incidental expenses and charges, shall be applied by said body, first, to the payment of the interest upon the debt created for the purchase and construction of the works, and, next, to the purchase of the bonds issued therefor, if the same can be obtained at reasonable rates; or, if that cannot be effected, then to be safely invested by commissioners of the sinking fund of the said city, if any there be, and, if none, then by the said legislative body, and allowed to remain as a sinking fund, to be applied to the repayment of the bonds at maturity, and when the moneys

Disposition of moneys remaining after operating and interest charges met.

received from the water rents or prices paid for the use of water, and interest on arrears of water rents, shall be sufficient to pay all expenses of construction and maintenance of such water works and raising and distributing the water, wages and incidental expenses, and there shall have been paid into the sinking fund of the said city, a sufficient amount of money to retire all outstanding bonds issued pursuant to the provisions of this act, then the Common Council of said city is hereby authorized to apply such surplus to the payment of interest on any outstanding bonds, theretofore or hereafter issued by such city and to the retiring of any bonds heretofore or hereafter issued by said city as the same may from time to time fall due.

Surplus.

2. This act shall take effect immediately.

Approved March 16, 1909.

CHAPTER 15.

An Act to amend and to supplement an act entitled "An act to authorize the improvement of roads, streets and highways in towns, boroughs, villages and municipalities governed by boards of commissioners or improvement commissions, and to provide for the issuing of bonds for the payment of the expenses thereof," approved March sixteenth, one thousand eight hundred and ninety-one.

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

Section 1 amended.

1. Section one of an act entitled "An act to authorize the improvement of roads, streets and highways in towns, boroughs, villages and municipalities governed by boards of commissioners or improvement commissions, and to provide for the issuing of bonds for the payment of the expenses thereof," approved

March sixteenth, one thousand eight hundred and ninety-one, is hereby amended so as to read as follows:

Bond issue when authorized by voters.

1. It shall be lawful for the governing body of any town, borough or village or of any municipality governed by a board of commissioners or improvement commission within this State, whenever authorized by a majority of the votes cast at an election held for the purpose as herein provided to issue bonds from time to time in the corporate name of such municipality in such amounts that there shall never be at one time outstanding bonds of such municipality issued under the authority of this act in excess of sixty thousand dollars, and to apply the proceeds of such bonds to the payment of the cost and expenses of improving the roads, streets and highways within such municipality.

Total issue.

Section 2 amended.

2. Section two of said act is hereby amended so as to read as follows:

Special election.

2. Whenever in the judgment of the governing body of such town, borough, village or other municipality it shall be deemed advisable to issue bonds hereunder the said governing body may, by resolution adopted by a majority of the members thereof, fix the amount of bonds to be issued, direct a special election to be held, and designate the time and place or places for holding such election.

Notice.

Notice of such election shall be given by posting copies of such resolution in three public places in such town, borough, village or other municipality at least fifteen days before the date fixed for such election and by printing such resolution once in each week for two successive weeks in one or more newspapers published in such town, borough, village or other municipality, if any such exists, or if none, then in a newspaper published in the county. There shall be no registration for such election, but the board or boards of elections shall procure and use at such election a certified copy of the register of voters used at the last preceding general election, and no person shall be entitled to vote whose name does not appear on such register, unless such person shall appear before the board and satisfy said board by affidavit, which the said board hereby is

Registration.

New Jersey State Library

authorized to take, that such person has acquired the right of suffrage in said election district since said registration was made. The polls shall be kept open for the time provided by law for general elections, and such election shall be in all respects conducted and the vote canvassed in the manner provided by law for general elections, except as herein otherwise provided. The ballots used at such election shall be unofficial, and shall have printed or written thereon either the words "For the issue of bonds" or the words "Against the issue of bonds." No official envelopes shall be required.

Election how conducted.

Ballots.

Section 3 amended.

3. Section three of said act is hereby amended so as to read as follows:

Procedure if bond issue authorized.

3. If at such election a majority of all ballots cast shall be "For the issue of bonds," it shall be lawful for such governing body from time to time to issue and sell bonds of such town, borough or village or other municipality in an aggregate principal sum not exceeding the amount mentioned in the resolution calling such election, and to apply the proceeds of such bonds to the improvement of roads, streets and highways in such town, borough or village or other municipality as they may by resolution determine. Such bonds shall be registered or coupon bonds, shall bear interest not exceeding five per centum per annum, payable semi-annually, shall be payable not more than twenty years from their date of issue, shall be executed and shall be sold at public sale for not less than par and accrued interest as such governing body shall by resolution provide. All such bonds shall recite that they are issued in pursuance of this act and of said election, and shall set forth the date of said election, which recital shall be conclusive evidence of their validity and the regularity of their issue.

Rate.

Time.

Additional powers conferred.

4. The powers conferred by this act and by the act hereby amended shall be deemed additional to and independent of any and all powers and authority con-

ferred by, and not subject to any limitation contained in, any and all other law or laws.

5. This act shall take effect immediately.

Approved March 16, 1909.

CHAPTER 16.

An Act to extend the territorial boundaries of the borough of Atlantic Highlands, in the county of Monmouth, by the annexation of a portion of the township of Middletown, in said county.

Preamble.

WHEREAS, the borough of Atlantic Highlands is located on the shore of Sandy Hook bay, and its present boundary line extends only to high-water mark, and it is desirable that the borough should have jurisdiction for police, fire and taxation purposes over piers and wharves within the riparian line, therefore,

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

Boundaries of portion of Middletown township annexed to Atlantic Highlands.

1. All that land and real estate situate, lying and being in the township of Middletown, in the county of Monmouth, aforesaid, adjoining said borough, containing or included within the following described boundaries, to wit:

Beginning at a stake standing at high-water mark on the shore of Sandy Hook bay, facing the easterly line of lands of the Atlantic Highlands Association, at the point or place on the bluff known as Point Lookout, in the present northeasterly corner of the borough of Atlantic Highlands, and running thence (1) northeasterly at right angles to the exterior line for piers as fixed by the Riparian Commission of New Jersey, to said exterior line for piers; thence (2) running westerly following along the said exterior line for piers to

a point opposite the northwesterly corner of said borough of Atlantic Highlands, at Wagner's creek, at right angles to said exterior pier line; thence (3) running southerly and at right angles to said pier line, to the present northwesterly corner of the said borough; thence (4) running easterly in the present boundary line of the said borough of Atlantic Highlands, and in the high-water line of the shore of Sandy Hook bay, to the place of beginning, be and hereby is separated from the township of Middletown, and be and the same is hereby annexed to the said borough of Atlantic Highlands, so that the same shall be hereafter a part of and within the territorial limits of said borough.

2. This act shall take effect immediately.

Approved March 16, 1909.

CHAPTER 17.

A Further Supplement to an act entitled "An act for the punishment of crimes (Revision of 1908)," 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:*

Penalty for carrying concealed weapons.

1. Any person who shall carry any revolver, pistol, firearm, bludgeon, blackjack, knuckles, sand-bag, slung-shot or other deadly, offensive or dangerous weapon, or any stiletto, dagger or razor or any knife with a blade five inches in length or over concealed in or about his clothes or person, shall be guilty of a misdemeanor, and upon conviction thereof shall be punishable by a fine not exceeding two hundred dollars, or imprisonment at hard labor, not exceeding two years, or both; *provided, however,* that nothing in this act shall be construed to prevent any sheriff, prosecutor,

Proviso.

deputy sheriff, jailer, police officer, constable, State detective, member of a legally organized detective agency, or any other peace officer from carrying weapons in the discharge of his duty; nor shall this act apply to any person having a written permit to carry such weapon, firearm, stiletto, razor, dagger or knife, or slung-shot from the mayor of any city, borough or other municipality having a mayor, or from the township committee or other governing body of any township or other municipality not having a mayor, which permits such officers and governing bodies are hereby authorized to grant; said permits shall be issued at the place of residence of the person obtaining the same, and when issued shall be in force in all parts of the State for a period of one year from date of issue, unless sooner revoked by the officer or body granting the same; *and provided further,* that nothing contained herein shall prevent any person from keeping or carrying about his or her place of business, dwelling house or premises any of such weapons, firearms, stilettos, daggers, razors, knives, or slung-shots, or from carrying the same from any place of purchase to his or her dwelling house or place of business, or from his or her dwelling house or place of business to any place where repairing is done, to have the same repaired and returned; *and provided further,* that nothing in this act shall be construed to make it unlawful for any person to carry a gun, pistol, rifle or other firearm or knife in the woods or fields, or upon the waters of this State, for the purpose of hunting. A fee of twenty-five cents may be lawfully charged by such officer or body granting each such permit.

License to carry weapons.

Proviso.

Proviso.

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

Repealer.

Approved March 17, 1909.

CHAPTER 18.

An Act to amend an act entitled "An act relating to the organization and management of boards of chosen freeholders in the respective counties of this State, excepting counties of the first class, fixing the fiscal year and the terms of officers therein," approved April fifteenth, one thousand nine hundred and eight.

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

Section 3 amended.

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

Fiscal year.

3. The fiscal year of said boards of chosen freeholders, excepting in counties of the first class, shall begin on the first day of January of each year and end on thirty-first day of December of each year. The appropriations, where not yet made by said boards, shall be to the first day of January next, and shall not exceed the amount which any such board may now lawfully annually raise; *provided, however,* that said appropriations may be made by said boards of chosen freeholders irrespective of such unexpended balances as may be on hand at the commencement of said fiscal year; and *provided, further,* that this provision shall not be construed to permit said boards of chosen freeholders to expend a greater sum than is annually appropriated; and *provided, further,* that such unexpended balances shall be used by said boards of chosen freeholders so far as may be necessary to relieve said boards of chosen freeholders from borrowing money in anticipation of taxes.

Proviso.

Proviso.

Proviso.

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 17, 1909.

CHAPTER 19

An Act to amend an act, entitled "An act concerning savings banks," approved May second, one thousand nine hundred and six.

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

1. Section thirty-eight of said act be amended so as to read as follows: Section 38 amended.

38. In all cases of loans upon real estate, a sufficient bond, secured by a mortgage on said real estate, shall be required of the borrower; and all the expenses of searches, examinations and certificates of title and of drawing, perfecting and recording papers, shall be paid by the borrower. Borrower to pay expenses of loans.

2. This act shall take effect immediately.

Approved March 17, 1909.

CHAPTER 20.

An Act to amend an act entitled "An act to amend an act entitled 'A further supplement to an act entitled "An act to enable counties which have no county hospital to assist in maintaining hospitals located in such county," approved April twenty-sixth, one thousand eight hundred and eighty-six,' which said supplement was approved March twenty-eighth, one thousand nine hundred and four," which said act was approved April fifth, one thousand nine hundred and seven.

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 amended to read as follows: Section amended.

Maintenance of county patients in hospitals.

1. It shall and may be lawful for the Board of Chosen Freeholders of any county of this State which has no hospital located therein maintained by such county other than the hospital or sick ward of the county poor-house, to make an appropriation of a sum of money not exceeding twenty-two thousand dollars each year, in the same manner that appropriations for other county purposes are made, which sum so appropriated shall be included in the annual tax levy of such county, and collected in the same manner and at the same time as other county taxes, and shall be applied to the purpose of supporting and maintaining such patients as may be sent to any hospital or hospitals supported by private charity and located in such county; *provided,* that the sum so appropriated be used and applied for the benefit, comfort and maintenance of such patients, inmates of such hospital, as are residents of said county at the time of being sent to said hospital.

Appropriation.

Proviso.

2. This act shall take effect immediately.

Approved March 23, 1909.

CHAPTER 21.

A Supplement to an act entitled "An act respecting conveyances (Revision of 1898)," 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:*

Certain affidavits validated.

1. All affidavits made to deeds as required by law made by any sheriff, or other officer or auditors in attachment, notwithstanding any errors or imperfections in said affidavits shall be taken and held to be good and sufficient in law; *provided, however,* that all such deeds

Proviso.

shall have been recorded for a period of at least six years.

2. This act shall take effect immediately.

Approved March 23, 1909.

CHAPTER 22.

An Amendment to an act, entitled "An act to incorporate the second judicial district of the county of Bergen," approved April eleventh, one thousand nine hundred and eight.

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

Section 1 amended.

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

Municipalities comprising second judicial district of Bergen.

1. The following described territory, to wit, all that part of Bergen county in the State of New Jersey, comprised within the following boroughs and townships within the said county, to wit: Boroughs of Rutherford, East Rutherford, Carlstadt, Wood Ridge, Wallington, North Arlington, Hasbrouck Heights, Lodi and Garfield, and the townships of Lodi and Union, be and the same hereby is established and incorporated to be the second judicial district of the county of Bergen, and the provisions of an act, entitled "An act concerning district courts" (Revision of 1898), approved June fourteenth, one thousand eight hundred and ninety-eight, and the various amendments thereof and supplements thereto, as far as the same may be applicable, shall apply to the district hereby established.

2. This act shall take effect immediately.

Approved March 23, 1909.

CHAPTER 23.

An Act to annex a portion of the township of Ocean, in the county of Monmouth, to the borough of Seabright, in the county of Monmouth.

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

Portion of Ocean township annexed to Seabright.

1. All the land hereinafter particularly described, situate, lying and being in the township of Ocean, county of Monmouth, is hereby annexed to and made a part of the borough of Seabright, in the county of Monmouth, to wit: Beginning at low-water mark on the South Shrewsbury river at the northwesterly line of the borough of Seabright, and thence running northerly along the easterly shore of the said South Shrewsbury river to the land of the United States government; thence easterly, along the southerly line of land of said United States government, to low-water mark on the Atlantic ocean; thence southerly, along the low-water mark of the Atlantic ocean, to the northeasterly line of the borough of Seabright; thence westerly, along the northerly line of the borough of Seabright, to the point or place of beginning.

2. This act shall take effect immediately.

Approved March 23, 1909.

CHAPTER 24.

A Supplement to an act entitled "An act to regulate elections (Revision of 1898)," 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 159 of said act be and the same is hereby amended to read as follows: Section 159 amended.

159. Whenever any candidate at any election shall have reason to believe that an error has been made by any board of elections or of canvassers in counting the vote or declaring the vote of such election, or whenever any citizen shall have reason to believe that an error has been made by any board of elections or of canvassers in counting the vote or declaring the result of any election upon any referendum or question submitted to the electors, whereby the result of such election has been changed, such candidate or such citizen may, within ten days after such election, apply to any Justice of the Supreme Court, who shall be authorized to order and cause, upon such terms as he may deem proper, a recount of the whole or such part of the votes as he may determine, to be publicly made under his direction by the county board of elections, after due notice by such candidate to the parties interested of the time and place of such recount; and, if it shall appear upon such recount that an error has been made sufficient to change the result of such election, then such Justice in case of candidates shall revoke the certificates of election already issued to any person, and shall issue in its place another certificate in favor of the party who shall be found to have received a majority of the votes cast at such election; and in case of referendums or questions shall make a certificate that the result of such election be corrected; which certificates shall supersede all others and entitle the holder thereof to the same rights and privileges as if said certificates had been originally issued by the canvassing board;

Candidates may apply for recount.

If error change result, justice to revoke certificate and issue new one.

In case of referendum.

said Justice shall have power to decide all disputed questions which the board shall fail to decide by a majority vote thereof.

Application.

2. The foregoing provisions shall apply to any election held upon any referendum or question at the last general election; *provided,* application shall be made for such recount within thirty days after the passage of this act.

Proviso.

3. This act shall take effect immediately.

Approved March 24, 1909.

CHAPTER 25.

An Act authorizing and providing for the consolidation or merger of any two or more societies or corporations of the Baptist denomination, incorporated under any special or general law or laws of this State.

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

Proceeding for merger of Baptist societies.

1. Whenever any two or more societies or corporations of or in the Baptist religious faith or denomination, whether incorporated or formed by or under any law or laws of this State, general or special, shall have heretofore agreed, or shall hereafter agree, to consolidate, merge or unite, the said societies or corporations so agreeing into one, it shall be lawful for the boards of trustees, directors or managers, or other like boards or bodies of such societies under and by authority of the act or resolution of agreement of their respective associations or corporations, to make and execute a certificate under the seals of their respective societies or corporations, signed by their respective presidents, or persons administering the similar office, and attested by their respective secretaries, which certificate shall set forth the names of the said societies or corporations

Certificate prepared and filed.

which have so agreed, the name which they have agreed upon for the consolidated corporation and the terms and conditions of their agreements as expressed in the said resolutions or acts of the said societies or corporations, which said certificate when so made and executed may be filed in the office of the Secretary of State.

Name, powers, property, etc.

2. Upon the making and filing of the certificate referred to in the foregoing section as therein provided, the said societies or corporations shall become and be consolidated or united into one corporation under the name so selected, and the new corporation shall be entitled to and invested with all the property, real and personal, and assets, rights, powers, privileges and franchises belonging to each and all the societies or corporations so consolidated or united, but subject to all the debts and liabilities of each and to the terms of the agreement under which such consolidation or union was made as set forth in said certificate; *provided, however,* that any and all property which was possessed of any of the societies or corporations so uniting shall not be used for or devoted to any other purpose or use than was within the power of such society or corporation with regard to such property prior to such consolidation or union.

Proviso.

3. This act shall take effect immediately.

Approved March 24, 1909.

CHAPTER 26.

An Act to amend an act entitled "An act to increase the efficiency of the public school system of the State by providing for additional free scholarships at the State Agricultural College," passed March thirty-first, one thousand eight hundred and ninety.

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

Section 2 amended.

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

Selection of students.

2. And be it enacted, That said students shall be selected as follows: A competitive examination, under the direction of the city superintendents and the county superintendents of education in each county shall be held upon the first Friday in June in each year and the Saturday following, at such place or places in each county as shall be designated by the said superintendent, and the necessary traveling expenses of said examiners not otherwise provided for by law, on the approval of the president and secretary of the Board of Visitors of said State Agricultural College, shall be paid by said State College; students who apply for examination shall be examined upon such subjects as may be designated by the faculty of said college and the State Board of Education, and the said city and county superintendents shall report to the president of said college and to the State Superintendent of Public Instruction the names of all such students examined as in their opinion are suitably prepared to enter said college, with their estimate of the order of excellence in scholarship shown by said students at such preliminary examination; certificates of appointment to the State Agricultural College shall be issued by the State Superintendent of Public Instruction to all of such students as are so found to be qualified to enter said college, and in case the vacant scholarships shall not be sufficient to receive all such successful candidates, preference in appointing to vacant scholarships shall be

When examination held.

Subjects.

Certificates issued by state superintendent.

given to successful candidates in the order of the excellence of their examination as certified by said superintendents, and in general the regulations and provisions governing the conduct of such examinations, and the appointment of said students to said scholarships shall be subject to the control of said Board of Visitors of said college.

Approved March 24, 1909.

CHAPTER 27.

An Act to amend the title and an act, entitled, "An act enabling the several municipalities in this State to grant rooms in their respective city halls or other municipal buildings to any organization composed of veterans of the Civil War," approved April fifteenth, one thousand nine hundred and eight.

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

1. The title of the act to which this act is an amendment is hereby amended to read as follows: Title amended.

An act enabling the several municipalities in this State to grant rooms in their respective city halls or other municipal buildings to organizations composed of veterans of the Civil War and the Spanish-American War. New title.

2. Power is hereby given to the several municipalities in this State to grant to any organization composed of veterans of the Civil War or veterans of the Spanish-American War, the use of any room or rooms as the governing body of the said municipality may designate, in any city hall or other municipal building in said municipality where such organization may be located, or where any of the members of the said organization may be located or may reside. Rooms in municipal buildings for veterans.

Repealer.

3. All acts or parts of acts inconsistent with this act are hereby repealed.

4. This act shall take effect immediately.

Approved March 24, 1909.

CHAPTER 28.

An Act to amend an act, entitled "A further supplement to an act, entitled 'An act to prevent deception in the sale of oleomargarine, butterine, or any imitation of dairy products, and to preserve the public health,' approved March twenty-second, one thousand eight hundred and eighty-six," approved April twentieth, one thousand nine hundred and six.

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

Section amended.

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

Duties of dairy commissioner transferred to board of health.

1. The Board of Health of the State of New Jersey shall hereafter perform and exercise all of the duties and powers formerly imposed, prescribed or conferred on the State Dairy Commissioner by the provisions of the act to which this act is a further supplement, and process in any suit, action or proceeding for the recovery of a penalty for violation of any of the provisions of said act, to which this act is a further supplement, or any act supplementary thereto or amendatory thereof, shall be issued at the suit and in the name of said Board of Health of the State of New Jersey as plaintiff. Any action which may have heretofore been commenced in the name of the chief inspector of the Board of Health of the State of New Jersey, and which may now be pending, shall be continued by said board in the name of said chief inspector, as plaintiff.

Actions continued.

2. This act shall take effect immediately.

Approved March 24, 1909.

CHAPTER 29.

An Act to amend an act, entitled "An act in relation to county expenditures," approved April second, one thousand eight hundred and seventy-eight.

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

1. Section four of the act of which this is an amendment, be and the same is amended so as to read as follows:

Section 4 amended.

4. It shall be lawful for any board of chosen freeholders to make temporary loans in anticipation of the collection of the taxes of any current fiscal year, such loans not in any case to exceed ninety per centum of the amount of the appropriations for the said current fiscal year, and said loans may be made for such time as may be deemed reasonable and prudent, and the same may be renewed from time to time until the taxes in anticipation of the collection of which such temporary loans were made are received by the county collector; *provided,* that when any such temporary loans shall be renewed all arrearages of taxes thereafter received by the county collector for the year in anticipation of the taxes of which said loans shall have been made, shall be held by the county collector and by him applied to the payment of such loan or loans.

Temporary loans to anticipate county taxes.

Proviso.

2. This act shall take effect immediately.

Approved March 24, 1909.

CHAPTER 30.

An Act to amend an act entitled "An act concerning railroads (Revision of 1903)," approved April fourteenth, one thousand nine hundred and three.

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

Section 74 amended.

1. The seventy-fourth section of an act entitled "An act concerning railroads, approved April fourteenth, one thousand nine hundred and three," be and the same is hereby amended to read as follows:

Title vested by sale or lease.

74. When any sale shall have been made or shall be made of any railroad in this State under execution or by force of any decree or judgment in foreclosure or insolvency proceedings, or otherwise, or when any lease of any railroad shall be made by a receiver by order of the Chancellor, the sale and conveyance or lease duly made shall vest in the purchaser or purchasers, such title of the parties to the suit as the court may direct, and may include all property and franchises of the corporation subject to all conditions, limitations and restrictions, and the purchaser or purchasers and his or their associates or assigns not less than seven, nor more than seventeen in number, or a lessee from the receiver and his associates not less than seven, nor more than seventeen in number, may within

New company may take charter.

eighteen months after such sale or lease organize as a railroad company by filing and recording in the office of the Secretary of State a certificate that they accept the charter of the company whose property has been sold or leased under some corporate name different from that of the former company, and setting forth also the further particulars required in a certificate of organization under this act so far as applicable, and

Powers, etc.

such company shall have all the powers and franchises, and be subject to all the restrictions, limitations and

conditions of the former company, in lieu of such acceptance of the former charter the purchaser or purchasers or lessees may form a railroad company under this act at any time after such sale or lease, and said company shall have power to take conveyance of and operate such railroad with the powers and franchises by this act conferred in lieu of those granted by special charter.

2. This act shall take effect immediately.

Passed March 30, 1909.

CHAPTER 31.

A Supplement to an act entitled "An act to tax intestates' estates, gifts, legacies, devises and collateral inheritance in certain cases," approved May fifteenth, one thousand eight hundred and ninety-four.

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

Taxation of non-resident decedent's property.

1. In case of a non-resident decedent leaving property liable to a tax under the provisions of the act to which this act is a supplement, the surrogate of any county in which such non-resident decedent had real property, or the register of the prerogative court, shall have the same jurisdiction and exercise the same powers as are conferred upon them with respect to property, real or personal, of a resident decedent; but if such non-resident decedent was not the owner of real property within this State, the surrogate of any county, or the register of the prerogative court, shall have the same jurisdiction and exercise the same powers with respect to such personal property of such non-resident decedent as are conferred upon them with respect to property of resident decedents; but if the register of the prerogative court shall first acquire jurisdiction hereunder, such register shall retain the same to the exclusion of all surrogates, and if a surrogate shall

Who has jurisdiction.

first acquire jurisdiction, such surrogate shall retain the same to the exclusion of any other surrogate, or the register of the prerogative court.

2. This act shall take effect immediately.

Passed March 30, 1909.

CHAPTER 32.

An Act to annex to the borough of Cliffside Park, in the county of Bergen, a part or portion of the borough of Fairview, in the county of Bergen.

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

Portion of borough of Cliffside Park annexed to borough of Fairview

1. All that part or portion of the borough of Fairview, in the county of Bergen, described as follows, to wit: Beginning at a point formed by the intersection of the centre line of Edgewater avenue and the boundary line between the boroughs of Fairview and Cliffside Park as the same has been heretofore fixed; thence running westerly along the centre line of Edgewater avenue to a point where the same is intersected by the centre line of Anderson avenue; thence running southerly along the centre line of Anderson avenue to a point where the same is intersected by the centre line of Cliff street; thence running easterly along the centre line of Cliff street to the point where the same is intersected by the centre line of Third street; thence running southerly along the centre line of Third street to a point where the same is intersected by the centre line of Walker street; thence easterly along the centre line of Walker street to the boundary line between the boroughs of Cliffside Park and Fairview as the same now exists; thence northerly along said boundary line between said boroughs of Cliffside Park and Fairview as it now exists to the point or place of beginning, be and the same is hereby taken or detached from the said

borough of Fairview in the county of Bergen and annexed to and made a part of the borough of Cliffside Park, in the county of Bergen, so that the territorial limits of the borough of Cliffside Park, in the county of Bergen, shall extend to and include the lands and premises within the above boundaries, and the governmental authority of the said borough of Cliffside Park, in the county of Bergen, is hereby in all respects extended to and shall be exercised within said boundaries.

2. This act shall take effect immediately.

Passed March 30, 1909.

CHAPTER 33.

An Act constituting a State Highway Commission and defining its powers and duties.

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

State highway commission.

1. A commission to be known as the State Highway Commission, consisting of the Governor, President of the Senate, Speaker of the House of Assembly and the Commissioner of Public Roads, is hereby created, which commission shall be charged with the duties hereinafter specified. Said commissioners shall receive no compensation for their services under this act, but shall be entitled to their actual expenses incurred in carrying out the provisions of this act, to be paid out of any appropriation made to said commission.

Expenses met.

Map and route of ocean boulevard.

2. The Commissioner of Public Roads shall, under the direction of said State Highway Commission, prepare a map and designate thereon a route for an ocean boulevard, commencing at Atlantic Highlands, in the county of Monmouth, and continuing thence to the city of Cape May, in the county of Cape May. Said route

shall follow, as far as practicable, the available and convenient improved roads now constructed, which route shall be as near the ocean front as practicable. Such map when prepared and approved by said commission shall be filed in the office of the Commissioner of Public Roads. Said Commission of Public Roads, with the approval of said State Highway Commission, may make such changes from time to time in said route as shall be deemed necessary, and shall prepare and file a map showing said changes in his office.

Duplicate maps furnished municipalities and counties affected.

3. The Commissioner of Public Roads shall, after the filing of said map, prepare duplicates thereof, and shall furnish one copy of said duplicates to the board of chosen freeholders and one copy to the common council or other governing body of each county or municipality through which said proposed ocean boulevard will pass. The said commissioners shall designate on said map just what portion of said proposed route in any county or in any municipality has been improved.

Improvement of proposed route.

4. The board of chosen freeholders of any county, or the governing body of any other municipality desiring to improve any road, or portion thereof, shown on the map so as aforesaid prepared and filed by the Commissioner of Public Roads, may improve and pay for said road, or any portion thereof, as provided in the act of the Legislature, entitled "An act to provide for the permanent improvement of public roads in this State" (Revision of 1905), approved March twenty-seventh, one thousand nine hundred and five.

5. This act shall take effect immediately.

Approved March 30, 1909.

CHAPTER 34.

A Further Supplement to an act, entitled "An act concerning roads" (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:*

Freeholders appointed by court to view road.

1. Whenever in any county of this State where the board of chosen freeholders shall consist of less than six members, an application shall have heretofore or shall hereafter be made to the Court of Common Pleas of said county for the appointment of chosen freeholders of said county to view any road or roads laid out, vacated or altered by the surveyors of the highways of said county, it shall be lawful for said court to appoint all of the members of said board of chosen freeholders to view said road so laid out, vacated or altered, and certify the same to said court, and the return of the members of said board of chosen freeholders so appointed, or a majority thereof, shall be of the same force and effect as if six chosen freeholders had been lawfully appointed by said court under the act to which this act is a supplement.

2. This act shall take effect immediately.

Approved March 31, 1909.

CHAPTER 35.

An Act relating to accidents at railroad crossings.

Preamble.

Whereas, By the provisions of the statutes of this State, it has been provided that whenever a railroad company shall have enclosed its right of way through any incorporated city of this State with a fence, wall or embankment, and shall have established and maintained gates at street crossings, as provided by the provisions of any statute of this State, that upon such compliance with such provisions the said railroad company could run over the part of their said so enclosed road through any incorporated city of this State "at any rate of speed they may deem proper, and that such speed should not, thereafter, be restrained by any city ordinance to regulate the same;" therefore,

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

Question of contributory negligence, determined by jury.

1. Whenever any railroad company shall have assumed to establish and maintain what are known as safety gates at any railroad crossing in this State, and a person is killed or injured at any such crossing by being struck by a locomotive or train when attempting to cross the tracks at a time when such gates are not down, as required by any statute giving the railroad the right to run through an incorporated city at any rate of speed they see fit, upon compliance with the provisions of such statute, that in all such cases the question whether the person so killed or injured, upon attempting to cross such railroad crossing, at a time when the safety gates at such crossing are not down, was or was not guilty of contributory negligence shall

be a question to be determined by the jury, in all actions brought to recover damages for such loss of life or personal injury.

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

Approved March 31, 1909.

CHAPTER 36.

An Act to amend an act entitled "An act respecting cities of the first class and respecting the publication of ordinances, notices and other matters required by law to be published in newspapers therein," approved April first, one thousand eight hundred and ninety-five.

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

1. The second section of the act to which this is amendatory be amended so as to read as follows: Section 2 amended.

2. All ordinances of cities of the first class in this State, to open, vacate, grade, gutter, curb, pave, repave, sewer, resewer or otherwise improve any street now required by law to be published, either between the first and second readings, or between the second and third readings, or after the final passage thereof, shall hereafter be noticed or published between such first and second reading or between such second and third reading, or after final passage, by title only, and the title of all such ordinances shall state the street, avenue or public highway, or other public place or section thereof to be improved, and the general character of the improvement; all such ordinances after final passage shall be entered in full in the ordinance book or books of the said board, and the said ordinance books and all ordinances which have been duly passed Publication of readings of and ordinances by title only. All ordinances recorded in full.

by said board, but not yet entered in said ordinance book or books shall be at all times during business hours open to public inspection.

Repealer. 2. All acts and parts of acts inconsistent herewith be and the same are hereby repealed.

3. This act shall take effect immediately.

Approved April 1, 1909.

CHAPTER 37.

A Further Supplement to an act entitled "An act to provide 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:*

Improvement of streets in towns. 1. The town council of any town, incorporated under or governed by the provisions of the act to which this is a supplement, shall have power to grade, pave, curb and otherwise improve, and to re-grade, re-pave, re-curb and otherwise re-improve all streets and avenues laid out by the surveyors of the highways or accepted by the township committee of the township from which said town is formed, prior to the incorporation of such town, or any part or parts of such streets and avenues, whenever it shall in the judgment of all of the members of said town council be advisable.

Procedure. 2. When any such improvement has been determined upon, as above provided, said town council shall pass an ordinance, providing for the same, which ordinance need describe such improvement in general terms only, and shall cause plans and specifications thereof to be drawn, and at any time after the passage of such ordinance may require the clerk to advertise for proposals for doing the work and furnishing materials necessary for such improvement in the official newspaper of the

Proposals invited.

town, or in such other newspapers as shall be designated by the said council, which proposals shall be presented in such form and manner, and under such regulations as the said council shall prescribe. Upon the coming in of such proposals the said council may enter into a contract with the lowest responsible bidder or bidders on the terms of his or their proposals; *provided, however,* that the council may reject all bids if it deems it for the interest of the town to do so, in which case it shall again advertise for proposals and shall proceed in all things as if no proposals had been offered; and said council shall require the person or persons so entering into a contract with the town, to give bonds with ample freehold security for the due performance thereof.

Contract let.

Proviso.

3. Said council shall have power to issue improvement certificates to pay for such cost of said improvement in accordance with, and under the restrictions specified in Section 70 of the act to which this is a supplement, and in case a sufficient sum of money to pay such cost shall not have been raised or provided for by taxation, shall have power to issue bonds to pay for such costs and take up such improvement certificates as provided in Section 73 of the act to which this is a supplement.

Improvement certificates to meet cost.

Bond issue.

4. The said council may provide for such improvement on its own initiative and without the necessity of any petition of the property owners requesting the same, and may provide that the cost of such improvement be borne by the town at large instead of the assessment of such cost upon the property owners specially benefited.

Council may take initiative.

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

Repealer.

2. This act shall take effect immediately.

Approved April 1, 1909.

CHAPTER 38.

A Supplement to an act entitled "An act relating to, regulating and providing for the government of cities," approved April third, one thousand nine hundred and two.

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

Cities may erect public halls.

1. In all cities which may have adopted, or may hereafter adopt, the act to which this act is a supplement, the city council may by ordinance provide for the acquisition of land or use vacant land belonging to the municipality, and authorize and provide for the construction thereon of a building or buildings suitable for conventions, temporary or permanent exhibitions, entertainments, receptions, lectures, addresses, assemblages and other like purposes, and stores, provided such stores do not materially interfere with the use for which such building is to be erected as heretofore specified, and for the purpose of securing such lands and for the erection and equipment of such buildings may, by ordinance, provide from time to time for the issue of bonds, as is provided by the act to which this act is a supplement, in amounts not exceeding in the aggregate the sum of six hundred thousand dollars.

Uses.

Bond issue.

Amount.

Land may be acquired by condemnation.

2. In case land desired to be acquired by city council cannot be secured because of failure to agree as to the price to be paid therefor, or because of legal incapacity to convey, such land and premises may be acquired by virtue of such proceedings for the condemnation and taking of lands for public or municipal purposes as are provided for by the act to which this is a supplement.

Building may be leased.

3. The city council of any such city may by resolution provide for the leasing of any portion or all of the building or buildings erected by authority of this act, at a rental price to be determined by said city council, and for such term as may be determined by city council by such resolution, to any person or corporation; *provided,* that any such lease shall be subject to the condition that no use shall be made of the premises so

Proviso.

leased inconsistent with the purposes for which said building was erected, as expressed in section one of this act, or that will prevent such building or any part thereof from being used for such purposes; and *provided further,* that the payment of all rent, reserved by virtue of any such lease, shall be secured by bond or other security as may be approved by city council. Proviso.

4. This act shall take effect immediately, but shall not become operative in any such city unless a majority of the voters of any such city shall have first adopted this act at a special election as provided for by section five of this act. Referendum.

5. Upon passing of a resolution by city council directing that the adoption or rejection of this act shall be submitted to the voters of any such city, it shall be the duty of the city clerk to cause public notice of the time and place of holding an election, by advertisements signed by himself and set up in at least ten public places in such city and published in one or more daily newspapers, provided a daily newspaper is printed and published in said city, for at least ten days prior to the day of such election; said clerk shall provide for electors voting at such election, ballots, to be printed, on which shall be the words "For or against the adoption of the provisions of an act approved (insert date of approval) one thousand nine hundred and nine, entitled 'A supplement to an act, entitled "An act relating to, regulating and providing for the government of cities,'" approved April third, one thousand nine hundred and two." Notice of submission to voters. Ballots.

If said word "For" be marked off or defaced the ballot shall be counted as a vote against the adoption of this act; if the word "Against" be marked off or defaced the ballot shall be counted in favor thereof. All voters in such municipality, who were duly registered at the last preceding general election, shall be entitled to vote. Such election shall be held at the usual places of holding the annual election in such municipality; the polls shall be opened at twelve o'clock noon and shall close at seven o'clock in the afternoon; the election officers shall each receive the sum of five dollars for Counting ballots. Conduction of election.

the election day, and such municipality shall pay all expenses attached to such election. Every such election shall be conducted by the proper election officers of such municipality for the time being and in the manner prescribed by law regulating elections therein, and such officers shall return to the city clerk a true and correct statement, in writing, under their hands, of the result of said election; whereupon, if it is found that a majority of the votes cast are in favor of the adoption of this act, this act shall in all respects be and become operative in such municipality. It shall be the duty of the city clerk to forthwith certify and report the same to the city council of such city, and the same shall be entered at large in the minutes of city council.

Repealer.

6. All acts and parts of acts inconsistent herewith are hereby repealed to the extent of such inconsistencies.

Approved April 1, 1909.

CHAPTER 39.

An Act to amend an act entitled "A supplement to an act entitled 'An act concerning roads' (Revision), approved March twenty-seventh, one thousand eight hundred and seventy-four," which supplement was approved March twenty-six, one thousand eight hundred and ninety-six.

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

Section 4 amended.

1. Section four of an act entitled "A supplement to an act entitled 'An act concerning roads' (Revision), approved March twenty-seventh, one thousand eight hundred and seventy-four," be amended so that it shall read as follows:

Purposes for which stone used.

4. The stone so furnished and delivered as aforesaid shall be used for and applied to the purposes men-

tioned in this act and for no other purposes whatsoever; and that if any person shall sell, or offer to sell, any of said stone or dispose of the same for any other purpose than as provided in this act, he, she or they so offending shall be deemed and adjudged guilty of a misdemeanor, and on conviction shall be punished by a fine not exceeding one hundred dollars, or by imprisonment in the county jail not exceeding ninety days, or both; *provided, however,* that it shall and may be lawful for any such city, town or township in said county, if said city, town or township be so distant from said stone quarry and any stone crusher operated in connection therewith as to make it inconvenient to haul said stone, to sell its share of such crushed or broken stone so apportioned under the provisions of the act to which this act is an amendment, and to use the money obtained therefore in the purchase of other stone, or to exchange such stone so apportioned for other stone, such stone so bought or exchanged to be used only for the purposes set forth in the act to which this act is an amendment. Proviso.

2. This act shall take effect immediately.

Approved April 1, 1909.

CHAPTER 40.

An Act determining the existence of vacancies on boards of managers, trustees and other governing bodies of the institutions of this State.

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

1. When any member of any board of managers, trustees or other governing body of any institution of this State shall have willfully absented himself from attendance at the regular or special meetings of the board of managers, trustees or other governing body Willful absenteeism to vacate office.

of which he is a member, covering a period of six months, or shall for a like period fail to perform the duties of his office as member of such board of managers, trustees or other governing body, his office shall thereby become vacant, and may immediately be filled by appointment or election in the manner prescribed by law for the filling of other vacancies upon such board of managers, trustees or other governing body.

Secretaries to report to Governor.

2. It shall be the duty of the secretary of every board of managers, trustees or other governing body of any institution of this State to report to the Governor the failure of any member of such board as provided in section one of this act, immediately upon the conclusion of the period of such failure, and the filing of such report by the Governor in the office of the Secretary of State shall be a sufficient evidence of the existence of a vacancy and warrant for the filling thereof.

3. This act shall take effect immediately.

Approved April 1, 1909.

CHAPTER 41.

An Act to amend an act entitled "An act relative to clerks of counties and of county courts" (Revision of 1902), approved April third, one thousand nine hundred and two.

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

Section 8 amended.

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

County clerks to report fines and amercements to state treasurer.

8. It shall be the duty of the clerk of every county as clerk of the courts therein, to make out, within ten days after the session of term of the said courts, a true abstract from the minutes of all fines and amercements

awarded, and the amount of all judgments entered or forfeited recognizances for the use of the State during the said session or term, and to transmit the same to the treasurer of the State on or before the first day of July annually; which abstract shall contain the names of the persons fined and amerced, and against whom judgment as aforesaid has been entered, and also the names of the sheriff and collector of the county for the time being.

Section 9 amended.

2. Section nine of the act to which this act is an amendment is hereby amended so as to read as follows:

Penalty for non-compliance.

9. If any clerk shall refuse or neglect to transmit such abstract to the treasurer, at or before the time hereby appointed, he shall, for every offense, forfeit and pay one hundred dollars, to be recovered by action of debt, with costs, in the name of the Comptroller of the State, for use of the State; it shall be the duty of the State Treasurer, within two days after the first day of July annually, to make out and return the name of every delinquent clerk to the Comptroller, who, upon receipt thereof, shall prosecute such clerk for the recovery of the said penalty.

Report to state comptroller.

3. This act shall take effect immediately.

Approved April 1, 1909.

CHAPTER 42.

A Further Supplement to 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:*

Additional bond issue.

1. To meet the further expenses to be incurred under the provisions of the act to which this is a further supplement for the acquisition, development and im-

provement of parks and parkways in any county in this State in which said act shall or may be in force, and in which the sum limited in said act and in any supplement thereto shall have been already appropriated, the Board of Chosen Freeholders of the said county shall, from time to time, on the requisition of the said Board of Park Commissioners, in the name and on the credit of the said county, borrow money by issuing the bonds of the said county to a sum not exceeding, in the aggregate, two hundred thousand dollars over and above the total amount theretofore issued, such bonds to run for a term not exceeding fifty years, to bear interest at a rate not exceeding four per centum, payable semi-annually; such bonds shall not be sold or disposed of at less than their par value, and may be made payable at any place which the said Board of Chosen Freeholders may determine, and they shall also determine the form of the bond. A sinking fund shall be established by the said Board of Chosen Freeholders on the issuing of any such bonds sufficient, with the accumulations thereof, to extinguish the principal of the said bonds so issued when due. The interest and principal of the bonds issued under the authority of this act shall be the debt or obligation of the county wherein they are issued, and the payment thereof shall be provided for by taxation in the same manner that other debts and obligations of the county are provided for by taxation. The proceeds of the sale of said bonds, after deducting expenses for negotiating the same and for engraving and all other expenses connected with their issue and sale, shall be paid over to the said Park Commission.

Amount.

Time.

Rate.

Sinking fund.

Debt a county obligation.

Proceeds applied.

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 April 1, 1909.

CHAPTER 43.

An Act to amend an act entitled "An act to regulate the practice of chiropody, to license chiropodists and to punish persons violating the provisions thereof," approved March thirteenth, one thousand nine hundred and eight.

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

1. Section six of an act entitled "An act to regulate the practice of chiropody, to license chiropodists and to punish persons violating the provisions thereof," approved March thirteenth, one thousand nine hundred and eight, be and the same is amended to read as follows: Section 6 amended.

6. Any person who at the time of the passage of this act shall be, or prior thereto shall have been, actually engaged in the practice of chiropody in this State for a period of five or more years, prior to the passage of this act, and who shall present to the State Board evidence that such persons is of good moral character, and an affidavit to the effect that he has been so engaged in the practice of chiropody in this State, so as aforesaid, and that he was without knowledge of the passage of this act for a period of three months, from the date of its passage, shall be entitled to receive from such Board a license to practice chiropody, upon the payment to such Board of the fee of twenty dollars, which license shall be filed with the clerk of the county in which said person resides, as provided in the fifth section of this act; *provided, however,* that such person shall file an application for a special oral and practical examination within one month after the passage of this act, and pass such special oral and practical examination before such Board during the year 1909, the allowance of which special oral and practical examination shall be within the discretion of the State Board. Who may be licensed. Fee. Proviso.

2. This act shall take effect immediately.

Approved April 5, 1909.

CHAPTER 44.

An Act authorizing the State Board of Education to acquire additional land for the use of the State Normal School at Trenton.

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

Additional land for Trenton Normal School.

1. The State Board of Education be and they are hereby authorized to acquire a tract of land in the immediate vicinity of the State Normal School at Trenton for the use of said State Normal School.

Appropriation.

2. In order to enable the State Board of Education to purchase said land, grade and improve the same, the sum of twenty thousand dollars, or so much thereof as may be necessary, is hereby appropriated, to be paid out of the Treasury of the State, on the warrant of the Comptroller; *provided* no money shall be paid under the provisions of this act until an appropriation therefor shall have been made by the Legislature in the annual appropriations act.

Proviso.

3. This act shall take effect immediately.

Approved April 5, 1909.

CHAPTER 45.

A Supplement to an act entitled "An act to authorize boards of chosen freeholders of counties of this State to acquire lands and erect and maintain hospitals for contagious diseases, and to provide for their control and management," approved April eighth, one thousand nine hundred and three. Public Laws 1903, Chapter 155, page 238.

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

Authority of freeholders over pay, repairs, and supplies.

1. In the maintenance and management of such hospitals the compensation of the officers or employes ap-

pointed by the board of management of any hospital built under the act of which this is a supplement, shall be subject to the approval of the board of chosen freeholders of the county in which such hospital is situated, and the purchase of supplies for use in such hospital and the repair of all buildings connected with such hospital shall be under the control of such board of chosen freeholders in the same manner that such purchases and repairs for other county institutions are under the control of the board of chosen freeholders.

Repealer.

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

Approved April 5, 1909.

CHAPTER 46.

An Act to enable seminaries, or schools of theology having a collegiate course preparatory to the theological course, to grant and confer academic and honorary degrees.

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

Seminaries and theological schools may grant certain degrees.

1. Any and every seminary or school of theology in this State having a full collegiate course preparatory to its theological course, whether heretofore or hereafter to be incorporated by special charter, or under general laws, shall, in addition to all existing or other rights, powers and privileges, have power, by virtue of this act, upon the precedent recommendation, or with the concurrent approval of the faculty of instruction after satisfactory examination, to grant to and confer upon any graduate of such seminary, or school of theology, or any person who has done approved work in such seminary or school, the degree of bachelor of arts, with all such honors, rights and privileges as are inci-

dent to such degree when granted in and by the universities of the United States of America; and also to confer honorary degrees upon such others as shall be recommended for that purpose by the board of trustees or directors of such seminaries or schools; *provided,* that nothing in this act shall be construed to authorize any such seminaries or schools to confer any degree or diploma authorizing the practice of medicine, dentistry or law.

Proviso

2. This act shall take effect immediately.

Approved April 5, 1909.

CHAPTER 47.

A Further Supplement to an 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.

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

Contagious diseases at dairies to be reported to state board of health.

1. Every physician who shall attend any person sick with typhoid fever, dysentery, scarlet fever, diphtheria or tuberculosis, on any dairy premises where milk is produced for sale or distribution shall report to the State Board of Health within twelve hours after his first attendance upon any such person sick with any of said diseases, which report shall be in writing, and shall state the nature of the disease, the name of the person who is ill with said disease and his or her place of residence. Any physician failing to comply with the provisions of this act shall be liable to a penalty of fifty dollars, to be recovered in an action of debt by the Board of Health of the State of New Jersey.

Penalty.

2. This act shall take effect immediately.

Approved April 5, 1909.

CHAPTER 48.

An Act to amend an act entitled "An act to establish and regulate the State Home for Girls (Revision of 1900)," approved March twenty-third, one thousand nine hundred.

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

1. Section twelve of the act of which this act is amendatory be and the same is hereby amended to read as follows: Section 12 amended.

12. The trustees shall make and submit a report to the Governor at the expiration of every three months, dating from the first of each year, showing the average number of girls maintained in the home during such period, which report shall be duly certified by their president and attested by their secretary. The funds appropriated by the State for the maintenance of said home shall be paid to the treasurer of the trustees in the manner provided in the act entitled "An act regulating the receipt and disbursements of State moneys in certain cases," approved October thirty-first, one thousand nine hundred and seven. Quarterly report to Governor. Funds paid to treasurer of home.

2. This act shall take effect immediately.

Approved April 5, 1909.

CHAPTER 49.

An Act to amend an act entitled "A supplement to an act entitled 'An act concerning idiots and lunatics'" (Revision), approved March twenty-seventh, one thousand eight hundred and seventy-four, approved March thirty-first, one thousand eight hundred and ninety-seven.

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

Section 5 amended.

1. Section five of the act above mentioned be and the same is hereby amended to read as follows:

Guardians may, by order of court, mortgage property.

5. And such guardian may, by order of the Court of Chancery, mortgage real estate, or pledge any personal property of any lunatic, or person of unsound mind, for the purpose of borrowing money to pay the debt or debts of such lunatic, or person of unsound mind, or discharging any encumbrance on his property, or for his maintenance, or for the perservation of his estate, or for the payment of any advances made by the guardian for or on account of any of the above-mentioned purposes when such advances have been made within six years of the application to the court for the order above-mentioned; and said guardian shall have power to exchange or partition the estate of said lunatic, or person of unsound mind, to carry on trade or business, grant leases and accept surrender of leases of property, and perform any contract relating to his estate upon order first obtained as aforesaid.

And carry on business.

2. This act shall take effect immediately.

Approved April 5, 1909.

CHAPTER 50.

An Act vesting the title of the property of extinct Methodist Episcopal Churches and Methodist Episcopal Societies of "The Newark Annual Conference of The Methodist Episcopal Church" in "The Newark Annual Conference of The Methodist Episcopal Church," and authorizing and empowering said conference to sell and convey the same.

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

Vestment of property of extinct churches.

1. All property, both real and personal, belonging to or held in trust for any Methodist Episcopal Church or Methodist Episcopal Society of "The Newark Annual Conference of the Methodist Episcopal Church," that has, or shall hereafter become extinct, shall vest in and become the property of "The Newark Annual Conference of the Methodist Episcopal Church" and its successors and assigns; *provided,* that this act shall not affect the reversion or interest of any person or persons in such property; and *provided further,* that the provisions of this act shall not apply to any church, or religious society, except such as now are, or may hereafter come under the supervision of said conference.

Proviso.

Proviso.

When church extinct.

2. A church or religious society shall be regarded as extinct when its membership shall become so reduced that it has not sufficient members to fill its offices, and has ceased to hold its regular meetings, and to keep its relation with any charge having regular connection with the said annual conference for a period of three consecutive years.

Sale of property authorized.

3. The said "The Newark Annual Conference of the Methodist Episcopal Church" is hereby authorized and empowered to sell the property of any such extinct church or religious society, and to convey the same to the purchaser thereof by deed in its corporate name; *provided,* such sale be in pursuance of a resolution of "The Newark Annual Conference of the Methodist Episcopal Church."

Proviso.

4. This act shall take effect immediately.

Approved April 5, 1909.

CHAPTER 51.

An Act regulating the pay of officers and policemen in cities of the first class in this State.

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

Pay of police force.

1. In all cities of the first class in this State the pay or salaries of the following-named officers and men of the police force shall be as hereinafter specified, respectfully:

Officers.

Captains, not less than two thousand dollars per year;

Aides, sergeants, lieutenants, detectives and detective-sergeants, not less than sixteen hundred dollars per year;

Men.

Roundsergeants and roundsmen, each not less than fifteen hundred and ten dollars per year; doormen, not less than twelve hundred dollars per year; patrol wagon drivers, not less than one thousand dollars per year; telegraph linemen, not less than one thousand dollars per year, and patrolmen, each not less than nine hundred dollars per year for the first year of service, not less than one thousand dollars for the second year of service, not less than eleven hundred dollars for the third year of service, and for the fourth year of service and thereafter not less than thirteen hundred dollars per year.

Term of service; payments.

The years of service shall date from the time of their respective appointments to the force; all payments shall be made semi-monthly.

Referendum.

2. This act shall take effect immediately, but its provisions shall remain inoperative in any such city until the same shall be accepted by a resolution of the board having charge of the finances of such city at least thirty (30) days before the election herein provided for, and provided it be accepted by the voters of said city by a majority of the votes cast for or against such act at any general election hereinafter to be held in such city, at which the acceptance or rejection of this act shall be submitted to said voters. If a majority of

those voting for or against the acceptance of this act shall be in favor of its acceptance, the provisions thereof shall be deemed to be accepted by such city, and such city shall be bound by the terms thereof. When the question of the acceptance of this act shall be submitted to the voters, there shall be printed upon the official ballots for every election precinct, district or ward of the city the word "for" and the word "against" above and immediately preceding the words "the act of 1909 to regulate the pay of the police force." If the word "for" be marked off or defaced upon the ballot, it shall be counted as a vote against acceptance of this act; if the word "against" be marked off or defaced upon the ballot, it shall be counted as a vote in favor of the acceptance of this act; and in case neither the word "for" nor the word "against" be marked off or defaced upon the ballot, it shall not be counted as a vote either for or against such acceptance. There shall be a canvass and return of the votes upon the question of the acceptance of this act made by the election officers in the same way and manner as for officers voted for at such election, and if the majority of the votes cast for or against the acceptance of this act shall be found to be in favor of its acceptance, it shall then, but not otherwise, become operative and binding upon the city wherein such vote shall have been taken.

Ballots.

Canvass.

3. In any city in which this act shall become operative in the manner therein provided the increase of pay or salaries therein made shall go into effect on the first day of the next calendar month thereafter, notwithstanding that there may not be any existing appropriation or fund sufficient to permit such increase, and the board or authority having control of the finances of such city shall borrow a sufficient sum to cover such increase until the same shall be provided for by taxation, or may permit the same to be paid out of any money of said city not otherwise appropriated, and shall put such sums so borrowed in the next tax levy raised in said city.

When effective.

Deficiency met.

4. This act shall take effect immediately.

Passed April 7, 1909.

CHAPTER 52.

An Act to amend the title and body of an act, entitled "An act to provide for the purchase of sites for and the erection and equipment of armories in counties of the third 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 June eighteenth, one thousand nine hundred and seven.

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

Title amended.

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

New title.

An act to provide for the purchase of sites for the erection and equipment of an armory or armories in any county in the State 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.

Section amended.

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

Acquire land by condemnation.

The State Military Board be and they are hereby appointed and constituted a commission for the purpose of this act, to select and purchase on behalf and in the name of the State of New Jersey, a plot of ground in any county in the State, wherein there is now or hereafter shall be located a company or companies of the National Guard of the State of New Jersey, suitable for the purposes of an armory, and if such lands, or any part of them, cannot be obtained by agreement with the owner or owners thereof, said commission shall acquire the title thereto by the exercise of the right of eminent domain in proceedings duly taken and had under and in accordance with the provisions of "An act to regulate the ascertainment and payment of compensation for

property condemned or taken for public use (Revision of 1900), approved March twentieth, one thousand nine hundred.

Approved April 7, 1909.

CHAPTER 53.

A Supplement to an act entitled "An act in relation to county expenditures," approved April second, one thousand eight hundred and seventy-eight.

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

Bond issue to meet deficiency.

1. If in any county of this State the amount heretofore appropriated for any given year for courts has been exceeded, or the amounts appropriated for the maintenance of the county institutions including all county hospitals and the jail and penitentiary maintained by said county have been exceeded, the board of chosen freeholders of any such county may issue temporary loan bond or bonds to raise the money whereby to pay such deficiency.

Time; rate.

2. All temporary loan bonds issued under this act shall run for a term not exceeding one year, shall bear interest at not more than four per centum, shall be sold at either private or public sale in the discretion of such board, for not less than par and shall be executed in the manner that county bonds are usually executed.

Loan met by taxation.

3. To meet the payment of such temporary loan bond or bonds at maturity, such board shall, in ordering for the fiscal year, prior to the maturing of such bond or bonds, the moneys required for county purposes, order and place in the tax levy a sum sufficient to pay the principal and interest of such bond or bonds.

4. This act shall take effect immediately.

Approved April 7, 1909.

CHAPTER 54.

A Supplement to the act entitled "An act concerning playgrounds and recreation places in cities of this State, and providing for the establishment, equipment, control, use and regulation thereof," approved May seventh, one thousand nine hundred and seven.

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

Exhibitions to raise funds.

1. The board of playground commissioners created or constituted in any city of this State, in order to provide the funds, in whole or in part, necessary to improve, maintain and police the playgrounds or recreation places under its control, shall have the power and authority to arrange and provide for the giving of outdoor exhibitions, concerts, games and contests, and the power and authority to use and employ the said playgrounds or recreation places for the purpose of giving thereon outdoor exhibitions, concerts, games and contests, and said board shall have the power and authority to charge and collect a reasonable admission fee for each person entering such playground or recreation place, during the time or times when the same is being used or employed for such purpose; *provided, however*, that the said board shall not use or employ any such playground or recreation place for such purpose for a greater period than eight hours in any week, nor on more than two days in any one week, and when any such playground or recreation place is used for such purpose no admission fee shall be charged or collected from children under twelve years of age.

Fee charged.

Proviso.

Approved April 7, 1909.

CHAPTER 55.

An Act to amend an act entitled "An act to amend an act entitled 'An act in relation to days of recreation and holidays, and fixing the days and parts of days so to be set apart and observed, and regulating the maturity of commercial paper with respect thereto,' " approved March ninth, one thousand eight hundred and ninety-one, which amendment was approved April fifteenth, one thousand eight hundred and ninety-five.

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.

1. The following days and half days, namely, the first day of January, commonly called New Year's day; the twelfth day of February, called Lincoln's birthday; the twenty-second day of February, known as Washington's birthday; the day now designated and known as Good Friday; the thirtieth day of May, known as Decoration Day; the fourth day of July, called Independence Day; the first Monday of September, known as Labor Day; the twenty-fifth day of December, known as Christmas Day; any general election day in this State; every Saturday from twelve o'clock at noon until twelve o'clock at midnight, which is hereby designated a half holiday, and any day appointed or recommended by the Governor of this State, or the President of the United States, as a day of thanksgiving or fasting and prayer, or other religious observance, shall, for all purposes whatsoever as regards the presenting for payment or acceptance, and of the protesting and giving notice of the dishonor of bills of exchange, bank checks and promissory notes, maturing after the passage of this act, be treated and considered as the first day of the week, commonly called Sunday, and as public holidays or half holidays; and all such bills, checks and notes otherwise presentable for acceptance or payment on any of said days shall

Holidays enumerated.

As to commercial paper.

be deemed to be payable and be presentable for acceptance or payment on the secular or business day next succeeding such holiday or half holiday; *provided, however,* that instruments payable on demand may, at the option of the holder, be presented for payment before twelve o'clock noon on Saturday when that entire day is not a holiday; *and provided, further,* that in construing this section every Saturday, unless a whole holiday, as aforesaid, shall, until twelve o'clock noon, be deemed a secular or business day, except as is hereinbefore provided in regard to bills of exchange, bank checks and promissory notes; and the days and half-days aforesaid shall be considered as the first day of the week, commonly called Sunday, and as public holidays or half holidays, for all purposes whatsoever as regards the transaction of business in the public offices of this State, or counties of this State, on all other days or half-days, excepting Sundays, such offices shall be kept open for the transaction of business.

Proviso.

Proviso.

2. This act shall take effect immediately.

Approved April 7, 1909.

CHAPTER 56.

An Act to amend an act entitled "An act for the assessment and collection of taxes (Revision of 1903)."

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

Section 47 amended.

1. Section forty-seven of the act entitled "An act for the assessment and collection of taxes (Revision of 1903)," approved April eighth, one thousand nine hundred and three, be and the same is hereby amended to read as follows:

Return list of unpaid taxes.

47. On the first Tuesday of February, annually, in all taxing districts except cities, the collector shall file

with the clerk a competent account, verified by his oath, of his receipts and disbursements as collector during the preceding year ending February first, with a statement of the amount of taxes remaining unpaid, the names of the delinquents, and the amount due from each, and on the same day shall make out and file with the clerk of the taxing district a list of the delinquents, verified by his affidavit, showing all the unpaid taxes on the duplicate, stating the name of each delinquent the description of the property assessed, the assessed valuation, and the amount of the tax in proper columns, and the reason why the tax has not been collected, and if the collector believes that any of the delinquent taxes are not collectable by reason of a fictitious or double or other palpably erroneous assessment, or that any poll tax, dog tax or tax on personal property is not collectable by reason of the removal, absence, death or insolvency of the taxpayer, he shall present his statement of such uncollectable taxes in a separate list. It shall be the duty of the governing body, within ten days after the filing of the delinquent list, to carefully examine the same in the presence of the assessor and collector, and they may summon and examine witnesses and adjourn their examination from time to time, and shall complete their examination on or before the first day of April, and on being satisfied that any of the taxes listed as uncollectable are, in fact, such, it shall be their duty, by resolution, to release the collector from the collection thereof; any taxes not so released, if not collected, shall be again listed and reported for further investigation and action on the first Tuesday of February of the ensuing year.

Reason for not collecting given.

Examination of list and release of collector.

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

Repealer.

Approved April 7, 1909.

CHAPTER 57.

An Act to amend an act entitled "An act for the assessment and collection of taxes," approved April eighth, one thousand nine hundred and three.

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

Section 41 amended.

1. Section forty-one of the act entitled "An act for the assessment and collection of taxes" (Revision 1903), approved April eighth, one thousand nine hundred and three, be and the same is hereby amended so as to read as follows:

Disposition of taxes.

41. It shall be the duty of the collector or other officer having the custody of the collected taxes on or before the twenty-second day of December in each year, out of the first money collected to pay to the county collector of the county the State and county taxes required to be assessed in his taxing district, and the county collector shall pay the State taxes which he shall have so received from the taxing districts to the Treasurer of the State on or before the twentieth of next January; the remaining taxes shall be disposed of for the use of the taxing district; the collector, after receiving the tax duplicate, shall report his collections to the governing body of the taxing district on the first Monday of each month and oftener if they shall require, and pay the amount collected to the treasurer or other officer authorized to receive the same.

Repealer.

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

Approved April 7, 1909.

CHAPTER 58.

An Act to amend an act entitled "An act relating to persons or corporations engaged in the business of transmitting money to foreign countries, or of buying or selling foreign money, or of receiving money on deposit to be transmitted to foreign countries," approved April twenty-fifth, one thousand nine hundred and seven.

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

1. Section two of the act to which this is an amendment be and the same is hereby amended to read as follows: Section 2 amended.

2. Every applicant for such certificate shall present to the Commissioner of Banking and Insurance an application in writing, upon a blank furnished or approved by him, setting forth the location of the office or offices where said business is to be carried on and the country or countries to which money is proposed to be transmitted. Said application shall be verified by the oath of the applicant. Certificate of authority necessary.

2. Section four of the act to which this is an amendment be and the same is hereby amended to read as follows: Section 4 amended.

4. If the said applicant shall carry on the said business mentioned in section one of this act at more than one place within this State such applicant shall furnish a bond in an amount in addition to the said sum of twenty thousand dollars of ten thousand dollars for each additional office; *provided*, said bond in no case shall exceed the sum of one hundred thousand dollars. Bond for each place of business. Proviso.

Approved April 7, 1909.

CHAPTER 59.

An Act providing for the payment of wages of deceased employes in certain cases.

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

Payment of wages of deceased employes.

1. It shall be lawful for any employer in this State at any time not less than thirty days after the death of the employe, to pay all wages due to such deceased employe to the wife, child or children, father or mother, sister or brother (preference being given in the order named) of the deceased employe, without requiring letters of administration to be issued upon the estate of said deceased employe, where such wages do not exceed seventy-five dollars in amount; *provided, however,* that if such deceased employe shall not leave a wife, child or children, father, mother, sister or brother surviving him, then it shall be lawful for said employer to pay the wages due such deceased employe, first, to the undertaker for his services such sum as shall be due him, and second, the residue, if any, to physician, boarding-house keeper and nurse, pro rata, upon a bill furnished duly verified by affidavit.

Proviso.

Payment a release of employer.

2. The payment of such wages shall be a full discharge and release to the employer from the wages so due and paid.

Repealer.

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

Approved April 7, 1909.

CHAPTER 60.

An Act to amend an act entitled "An act to provide for the establishment of public play-grounds in cities of this State and for the maintenance, control and management thereof," approved May seventh, one thousand nine hundred and seven.

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

1. The first section of the act to which this is amendatory is hereby further amended so as to read as follows. Section 1 amended.

1. In any city of this State the mayor of such city may, in his discretion, appoint not more than five fit and suitable persons, citizens and residents of such city, who shall be confirmed by the common council or other governing body of such city, as commissioners of play-grounds, and who shall constitute and be known as the board of play-ground commissioners of such city. The commissioners first appointed under this act in any city shall hold office for the terms of one, two and three years, as fixed and designated by the mayor in their respective appointments, and after the first appointments such commissioners shall be appointed for the full term of three years; vacancies shall be filled for the unexpired term only. They shall not receive any salary or other compensation for their services. Play-ground commission. Term. Vacancies; no salary.

2. This act shall take effect immediately.

Approved April 7, 1909.

CHAPTER 61.

A Supplement to an act entitled "An act to provide for the regulation and incorporation of insurance companies, and to regulate the transaction of insurance business in this State," approved April third, one thousand nine hundred and two.

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

Nature of investments in foreign countries.

1. Any insurance company of this State doing business in any foreign country may invest so much of its funds as are required to meet its obligation incurred in such foreign country and in conformity to the laws thereof, in the same kind of securities issued in such foreign country that such company is by law allowed to invest in in this State, and subject to the limitations imposed by law in this State.

2. This act shall take effect immediately.

Approved April 8, 1909.

CHAPTER 62.

A Supplement to an act entitled "An act respecting the court of chancery" (Revision of 1902), approved April third, one thousand nine hundred and two.

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

Investment of moneys remaining on deposit.

1. It shall be lawful for the chancellor to cause any moneys remaining on deposit with the court to be invested in interest-bearing bonds of such character and description as are or may be lawful investments for moneys deposited with the savings banks of this State; or in bonds secured by mortgages which shall be a first lien upon improved real estate situate in this

State worth at least double the amount loaned thereon; and for the purpose of making such investments, moneys remaining to the credit of different persons or causes may be commingled together; and the moneys so invested, and the securities in which the same may be invested, shall be from time to time accounted for, transferred, reinvested, or otherwise disposed of, as the court shall deem reasonable and proper; and the interest and income derived from such investments, after deducting necessary expenses, shall be apportioned to the several parties entitled thereto; and the chancellor may from time to time make such rules and regulations respecting such deposits and investments as to him shall appear just and right and for the interest of all persons concerned therein.

Disposition of interest and income.

2. The chancellor may from time to time employ some suitable person, to be selected by him, to exercise general care and supervision (subject to the orders of the chancellor) over the funds, investments and securities from time to time remaining in the court of chancery; and may allow reasonable compensation for such care and supervision, to be paid either out of the general income of the funds remaining in the court, or out of any fund for the benefit of which special services may be rendered, as may be equitable and just.

Guardian of funds.

3. This act shall take effect immediately.

Approved April 8, 1909.

CHAPTER 63.

A Further Supplement to an act entitled "A supplement to an act entitled 'An act to establish a thorough and efficient system of free public schools, and to provide for the maintenance, support and management thereof,' approved October nineteenth, one thousand nine hundred and three," approved April twentieth, one thousand nine hundred and six.

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

Time for distribution of school money by state comptroller.

1. The State Comptroller is hereby empowered and directed to make distribution of the moneys assessed, levied and collected for the year one thousand nine hundred and seven, as provided in and by an act entitled "A supplement to an act entitled 'An act to establish a thorough and efficient system of free public schools, and to provide for the maintenance, support and management thereof,' approved October nineteenth, one thousand nine hundred and three," approved April twentieth, one thousand nine hundred and six, as follows: One-half thereof on the fifteenth day of April, one thousand nine hundred and nine, and the balance on the fifteenth day of June of said year; and the Comptroller shall annually, hereafter, make a similar distribution of all such moneys collected and which are distributable under said act, in any year, on the fifteenth days of April and June, respectively of the year next succeeding the year of such collection.

Proportionate distribution of moneys collected after June 15th.

2. If hereafter, on the fifteenth day of June in any year any part of the taxes apportioned on the first day of February of the previous year, as provided in the act to which this is a supplement, shall not have been paid into the State treasury, the State Comptroller shall cause to be distributed the part of said taxes which shall not have been paid in by said fifteenth day of June, but which shall be subsequently paid, once in each six months thereafter, in the same manner and in the same proportions as provided in the act to which this is a supplement.

Custody and use of funds.

3. All moneys paid in accordance with this act shall be held by the official to whom paid in trust for the support and maintenance of the free public school of the school district to which apportioned and paid. No part thereof shall be used to pay or discharge, in whole or in part, any note or other obligation heretofore incurred, or any bonds, whether temporary or for a term of years, heretofore issued by such municipality, or by any board of education of any municipality, nor shall any part of the funds hereby authorized to be

paid be used for any other purpose than for the support and maintenance of the free public schools of such municipality or school district; *provided, however,* that it shall be lawful for the municipality or board of education of any school district to borrow by temporary loan, in anticipation of the receipt of any moneys which may be distributed under this act, or the act to which this act is a supplement, to the extent of not exceeding eighty per cent. of the amount of moneys which may be apportioned to such school district under the distribution herein provided for; such temporary obligations, if any, to be first paid from the moneys received under this act, before any other disposition of such money shall be made. Any person, or the members of any board, violating this act shall be guilty of a misdemeanor.

Proviso; right to borrow in anticipation of taxes.

4. The State Comptroller shall, on the date and at the time named in this act, draw his warrant upon the State Treasurer in favor of the county collector of each county for the amount due to each county of the apportionment, made to the several counties, at the times and in the manner provided by this act and the act to which this act is a supplement.

Duty of state comptroller.

5. This act shall not be construed to repeal the act to which this act is a further supplement, except in so far as it affects the time for the payment to the municipalities of the money apportioned thereunder, and this act shall take effect immediately.

Act, how construed.

Approved April 8, 1909.

CHAPTER 64.

An Act making distribution of part of the income of the school fund, pursuant to section one hundred and seventy-six of an act entitled "An act to establish a thorough and efficient system of free public schools, and to provide for the maintenance, support and management thereof," approved October nineteenth, one thousand nine hundred and three.

Preamble.

WHEREAS, Of the apportionment to counties made February first, one thousand nine hundred and seven, of the railroad tax assessed one thousand nine hundred and six, payable one thousand nine hundred and seven, pursuant to chapter one hundred and forty-six, laws of one thousand nine hundred and six, there remained uncollected on May first, one thousand nine hundred and eight, the sum of three hundred and two thousand one hundred and seventy-eight dollars and one cent; and

WHEREAS, Said sum of three hundred and two thousand one hundred and seventy-eight dollars and one cent has since been collected; and

WHEREAS, It is incumbent on the State to distribute annually two hundred thousand dollars of the income of the State school fund to the several counties of the State, pursuant to section one hundred and seventy-six, chapter one, laws of one thousand nine hundred and three, special session; and

WHEREAS, The said income of the State school fund is now indebted to the State in the sum of one hundred and seventy-five thousand dollars, by reasons of unpaid loans of previous years; and

WHEREAS, The annual income of the State school fund is now in excess of two hundred thousand dollars; and

WHEREAS, If said debt due the State is liquidated and sufficient additional income for the current year provided to enable the distribution to counties of the two hundred thousand dollars income for the current year, without loan from the State, further loans in the future, will prove unnecessary; therefore,

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

Appropriation to state school fund.

1. The above-named sum of three hundred and two thousand one hundred and seventy-eight dollars and one cent is hereby appropriated to the income of

the State school fund for the purpose aforesaid, in accordance with the provisions of section one hundred and seventy-six of the act referred to in the title of this act, and in discharge of the indebtedness of the income of the State school fund as aforesaid.

2. All acts and parts thereof in consistent herewith are hereby repealed. Repealer.

3. This act shall take effect immediately.

Approved April 8, 1909.

CHAPTER 65.

An Act relative to the payment of certain expenses of the educational system of this State.

WHEREAS, It is provided by an act entitled "A supplement to an act entitled 'An act to establish a thorough and efficient system of free public schools, and to provide for the maintenance, support and management thereof,' approved October nineteenth, one thousand nine hundred and three," approved April twentieth, one thousand nine hundred and six, that the tax assessed in each year by virtue of the provisions of subdivisions one, three and four of section three of an act entitled "An act to revise and amend 'An act for the taxation of railroad and canal property,' approved April tenth, one thousand eight hundred and eighty-four," which act was approved March twenty-seventh, one thousand eight hundred and eighty-eight, and the amendments thereof or supplements thereto, after deducting therefrom a sum equal to one-half of one per centum of the total valuation of the property on which said tax shall be assessed, shall be devoted to the maintenance and support of a thorough and efficient system of free public schools; and Preamble.

WHEREAS, The items set out in the body of this act which have been heretofore met by appropriations from the funds in the treasury of the State should justly and properly be charged against the fund appropriated to the maintenance and support of a thorough and efficient system of free public schools, as hereinbefore set out, inasmuch as the said items are in aid and support of the educational system of the State.

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

Comptroller to deduct from school fund amount appropriated for certain educational purposes.

1. The State Comptroller, prior to the apportionment, on or before the first day of February, among the several counties of the State, of the fund devoted to the maintenance and support of a thorough and efficient system of free public schools, as provided in and by an act entitled "A supplement to an act entitled 'An act to establish a thorough and efficient system of free public schools, and to provide for the maintenance, support and management thereof,' approved October nineteenth, one thousand nine hundred and three," approved April twentieth, one thousand nine hundred and six, shall deduct from the sum so to be apportioned as aforesaid the sum appropriated annually for the purposes herein specified, to wit:

State Normal School at Trenton,
State students at Rutgers (scholarships),
New Jersey School for the Deaf,
County Superintendents,
State Normal School at Montclair Heights,
Manual Training Industrial School for Colored Youth,
Evening schools for foreign-born residents,
Superintendent of Public Instruction,

Use of money deducted.

which said moneys shall be retained in the treasury of the State for the payment of the appropriations to be made for the several purposes indicated, instead of the payment thereof from the general moneys in the State treasury, as heretofore.

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

Approved April 8, 1909.

CHAPTER 66.

A Supplement to an act entitled "An act for the construction, maintenance and operation of water works for the purpose of supplying cities, towns, townships, villages, boroughs and other municipalities in this State with water," 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*:

1. The formation of any company which has heretofore filed a certificate of incorporation, as required by the second section of the act to which this act is a supplement, is hereby validated, ratified and confirmed, wherever there has been filed with the certificate of incorporation a copy of the ordinance or resolution of the governing body of the municipality to be supplied with water, consenting to the formation of such company, certified to by the clerk of such municipality, and such certified copy shall be deemed to be the consent in writing of the corporate authorities as required by said act; *provided,* that such company has constructed, maintained and operated water works and supplied water. Formation of water company validated. Proviso.

2. This act shall take effect immediately.

Approved April 8, 1909.

CHAPTER 67.

An Act to regulate the price to be paid for official advertising.

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

Rates in 1st and 2nd class cities and counties.

1. Hereafter the price to be paid for publishing all official advertising in the newspapers, published in cities of the first and second class, or in counties of the first or second class in this State, shall be at the rate of ten cents per agate (or 5 1-2 point) line for the first insertion, and eight cents per agate line for each subsequent insertion; *provided,* that in computing such charge per line, the lines shall average at least seven words.

Proviso.

Rates elsewhere.

2. Hereafter the price to be paid for publishing official advertisements in any newspaper, except newspapers published in cities of the first or second class, or in counties of the first or second class, shall be at the rate of five cents per nonpareil (or 6 point) line for each insertion; *provided,* that in computing such charge per line, the lines shall average at least seven words.

Proviso.

Allowances.

3. In reckoning line charges allowances shall be made for date lines, paragraph endings, titles, signature, and similar short lines as full lines where the same are set to conform to the usual rules of composition.

Definition.

4. The terms "official advertising" and "official advertisements," as used in this act, shall be construed to include all matters required by law to be published.

Repealer.

5. All acts inconsistent herewith be and the same are hereby repealed, and this act shall take effect immediately.

Approved April 8, 1909.

CHAPTER 68.

An Act for the relief of Frederick Barenberg.

Preamble.

WHEREAS, John Barenberg was employed as marker and scorer at the Sea Girt Rifle Range for the season of rifle practice in one thousand nine hundred and four, and again in one thousand nine hundred and five for the season from June nineteenth to August twenty-ninth, one thousand nine hundred and five, and while so employed on the fifteenth day of July, one thousand nine hundred and five at the five hundred-yard target range, which at that time was unprotected on the north side, was shot and accidentally killed by the militia, which had, without notice, started diagonal skirmish-firing at the silhouette target to the north of said five hundred-yard target, one of the bullets so fired striking and killing the said John Barenberg; and

WHEREAS, Said John Barenberg left him surviving his father, Frederick Barenberg, an old man, feeble in health, and dependent upon the earnings of his said son for the support of himself and wife, the mother of said John Barenberg; and

WHEREAS, It is considered just and right for the State to recompense the said Frederick Barenberg in some small degree for the untimely loss of his said son; therefore,

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

Pension for parents.

1. The Comptroller of the State be and he is hereby authorized and directed to issue a warrant in favor of the said Frederick Barenberg and his wife, or either of them, the sum of $250 per annum on account of the killing of his said son.

Payment.

2. The Treasurer of the State is hereby authorized

and directed to pay said warrant, when so issued, out of any money appropriated therefor.

3. This act shall take effect immediately.

Approved April 8, 1909.

CHAPTER 69.

An Act respecting sewers and sewer connections in towns of this State, and to provide for the payment of the cost of construction thereof:

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

Towns to compel house connections.

1. In all towns of this State which have or may hereafter have a sewer system, or where sewers are being constructed, the mayor and board of aldermen, or other governing body of such town, shall have power and authority by ordinance or ordinances to compel owners of property fronting or abutting on any street, highway, lane or avenue, where sewers have been or are being constructed, to construct house connections, of such number, character and location, and within such time as shall be determined upon by them; such house connections to extend from the sewer to the curb line of the lot or plot, and to be of such character and constructed in such manner as shall be designated in said ordinance or ordinances.

House connections shown on map.

2. The number and location of house connections to be made shall be shown on a map or maps to be prepared under the direction of the mayor and board of aldermen, or other governing body of such town and filed with the clerk before the introduction of every such ordinance, and such connections shall be specified and designated in said ordinance or ordinances by reference to said map or maps.

Town to construct if owner fails to comply.

3. In case any property owner shall not comply with the terms of said ordinance, but shall neglect to

make such sewer connections within the time aforesaid, the said mayor and board of aldermen or other governing body of such incorporated town may build and construct the same, and the cost and expense of so doing shall become a lien upon the said property, and collected in the manner hereinafter stated; *provided, however,* that a statement of the amount of such costs and expenses signed by the town clerk shall be filed within thirty days after such connections are made, with the county clerk, and recorded by him in the clerk's office of such county. Such costs and expenses shall become a lien on the date of filing said statement in the office of the county clerk, who shall index the same.

Proviso.

Expenses a lien.

4. In case any sewer connection shall be made by such town as provided for in the third section of this act, the cost and expense thereof, with interest at the rate of six per centum per annum, shall be payable on demand. Upon failure of such owner to pay the amount demanded, said amount shall be certified to the collector by the town clerk, and collected by him at the same time and manner as taxes are collected. Upon payment, the lien may be satisfied of record in the same way and manner as tax liens are discharged of record.

Costs payable on demand with interest.

5. In order to defray the costs and expenses of making such connection the mayor and board of aldermen or other governing body of such town may, by resolution, borrow from time to time such sums as shall be necessary to defray the costs and expenses of so doing, upon the note or notes of such town drawing interest at a rate not exceeding five per centum per annum, which note or notes so issued as aforesaid may be renewed from time to time as occasion shall require, but shall be paid as fast as the assessments are collected as aforesaid.

Town may borrow to meet expenses.

6. The word "house connections" in this act shall be construed to include connections to be made by pipes to be laid between the line of any sewer and the curb line of any street, highway, lane or avenue in which such sewer is laid, whether or not there shall be any house or building upon the property or lot in front of

"House connection" defined.

which such connection or connections is or shall be made for the benefit of said property or lot.

Powers given are additional.

7. The powers granted and provisions contained in this act shall be in extension and not in limitation of the powers already conferred by statute upon towns, and this act shall take effect immediately.

Approved April 8, 1909.

CHAPTER 70.

An Act authorizing boroughs of this State to sell any public utility plant or system owned by such borough when the same cannot be operated other than at a loss to the borough.

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

Boroughs may sell utility plant operated at loss.

1. Whenever a sewer plant, water plant, electric light plant, or other public utility plant or system owned by any borough in this State, and which is operated by said borough at a loss, and in the judgment of the council of said borough cannot be operated upon a profitable basis, and the benefits of such plant or system can be secured to the inhabitants of said borough by a sale of such plant or system to an individual or private corporation, it shall be lawful for the council to make sale of such plant or system for such price and upon such terms as said Council may determine, provided such sale shall be authorized by the legal voters of said borough. The Council shall, by resolution, determine that it is advisable to sell said plant, and fix the price and terms of such sale, and submit the same to the voters of the borough at a special election, of which special election and the object thereof at least two weeks' notice shall be given by advertisement, signed by the borough clerk, posted in at least ten public places in such borough, and printed

Referendum.

Notice.

ALEXANDER SEGLOW

once each week for said two weeks in a newspaper published in the borough, if any such exists, or, if none, then in a newspaper published in the county wherein the borough is situate, and circulating in the borough. At such special election the only question submitted shall be, "In favor of the sale of the plant, according to resolution of council, dated " (inserting in said blank the name of the plant to be sold, and the date of such resolution), or, "Against the sale of the plant, according to resolution of council dated " (inserting in said blank the name of the plant proposed to be sold, and the date of such resolution). Said election shall be by ballot; shall be held by the election officers of the borough upon the date appointed by the council. The polls shall be kept open for the time provided by law for general elections in said borough, and such election shall be in all respects conducted, and the vote canvassed in the manner provided by law for such general election. There shall be no registration for such election, but the board of elections shall procure and use at such special election a certified copy of the register of voters used at the last preceding general election, and no person shall be entitled to vote whose name does not appear on said register, unless such person shall appear before said board and satisfy said board by affidavit, which the said board is hereby authorized to take, that such person has acquired the right of suffrage in said election district since the last registration was made. If a majority of the ballots cast at such election shall contain the words "In favor of the sale of plant, according to resolution of council, dated " (inserting in said blank the name of the plant proposed to be sold, and the date of such resolution), it shall then be lawful for the council to make such sale, and the proceeds of said sale shall be paid to the commissioners of the sinking fund of said borough, to be used by them for the purpose of paying and discharging the bonded indebtedness of said borough, and any surplus after paying such bonded indebtedness and interest shall be paid to

Question submitted.

Election how conducted.

Result.

Proceeds of sale.

the treasurer of the borough for the use of said borough.

2. This act shall take effect immediately.

Approved April 8, 1909.

CHAPTER 71.

An Act to establish an excise department in certain cities of this State.

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

Excise commission in certain cities.

1. In all cities in this State now or hereafter having within their territorial limits a population of not less than fifty thousand or more than one hundred thousand inhabitants, according to the United States, or State census, there shall be, and hereby is established, a board of excise commissioners to consist of

Number.

five members to serve for the term of three years,

Term.

which board shall be elected on a general ticket at the election in such city next after the passage of this act, in the same manner as other city officers of said city are elected; that the salary of said commissioners shall

Salary.

be fixed by ordinance in the same manner as the salaries of other city officers, but shall not exceed the sum of five hundred dollars each per year, and the said salary shall be paid out of the license fees; that such board of

Powers.

excise commissioners shall have power within such city to make, establish, amend or repeal ordinances and by-laws; to license and regulate the sale of intoxicating liquors in said city; to prescribe by ordinance the form of application to be used, and to fix the amount of license fees to be paid for the various licenses that may be used, and when licensed, to revoke or transfer such license, and to prohibit all traffic in or sale of intoxicating drink or drinks, to license, regulate or prohibit bil-

ALEXANDER & CLEAVER

liard saloons and bowling alleys, and to prescribe and enforce a penalty or penalties, either by fine or imprisonment, for the violation of such ordinance or by-laws, which said penalties shall be enforced and collected by said board of excise commissioners 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 two insertions in two newspapers, if so many there be published and circulating in such city, and be concurred in by at least three members of such board of excise commissioners as may be present at its final passage; and no license for such purposes 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 be paid over to the city treasurer; *provided, however,* that nothing in this act contained shall be held to repeal or alter any law of this State concerning any misdemeanor or other crime, and that no license shall be prescribed or issued for any character of business different from that now permitted by law or any license fee fixed for any amount less than the minimum amount fixed by law.

Prescribe and enforce penalties.

Proviso.

2. It shall be lawful for such board of excise commissioners to appoint an excise inspector at a salary not to exceed the sum of twelve hundred dollars per annum, which shall be paid in the same manner as the salaries of other city officers, and to prescribe his powers and duties.

Excise inspector.

3. Every local board of excise commissioners now existing in any such city in this State, which is in fact constituted in the manner required by the first section of this act, shall be deemed, held and taken to be a board of excise commissioners created under the provisions of this act, and every such board is hereby perpetuated and continued, and is hereby authorized without reorganization to exercise all the powers and required to perform all the duties ap-

Existing commissions continued.

plicable to boards of excise commissioners mentioned in this act; the members of every such board shall continue in office until the expiration of the terms for which they were originally elected; and all ordinances, rules and regulations which have heretofore been passed or adopted by any such board, which might be adopted or passed under the authority of this act, shall continue to be the ordinances, rules and regulations of such board of excise commissioners, and shall be of the same force and validity as if they had actually been adopted or passed under the provisions and authority of this act.

Notice of election.

4. It shall thereupon be the duty of the city clerk, or other official charged with such duty, to give notice of the proposed election for such excise commissioners in the same manner as is required by law for other officers of said city.

Bond.

5. The said excise commissioners shall give such bond for the faithful performance of their duties as the common council or other governing board of said city shall fix by ordinance, and they shall enter upon the duties of their office at twelve o'clock noon on the first day of January next succeeding their election.

As to constitutionality.

6. In case, for any reason, any section or provision of this act shall be questioned in any court, or be held to be unconstitutional or invalid, the same shall not in anywise affect any other section or provision of this act.

Repealer.

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

Approved April 8, 1909.

CHAPTER 72.

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*:

Time for completing certain railroads extended.

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 and nine, 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 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.

Proviso.

Proviso.

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

Approved April 10, 1909.

CHAPTER 73.

An Act to authorize the bridging of streets and highways in cities of the first class of this State under certain circumstances.

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

Bridge streets to connect floors of buildings.

1. It shall be lawful for the board of street and water commissioners of any city of the first class to authorize, by ordinance, the owner of buildings abutting on the opposite sides of any street, or highway, in any such city to connect the same by constructing and maintaining across any such street, or highway, a bridge of such elevation above the street and of such size and construction as will not, in the opinion of the board, obstruct public travel thereon; *provided, however,* that no authorization shall be granted by said board which shall provide for any bridge connecting said buildings on more than one floor; *and provided further,* that said bridge shall in no event exceed thirty (30) feet in width or shall be higher than twenty-five (25) feet from the floor to the ceiling thereof.

Proviso.

Proviso.

Repealer.

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

Approved April 12, 1909.

CHAPTER 74.

An Act for the protection of woodlands.

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

Fire line along railroads to protect woodland.

1. Wherever in this State woodland, meaning thereby land or swamp upon which there is a growth of woods or brush, adjoins the right of way, or is less

than one hundred and ten feet from the roadbed, of a railroad upon which are operated locomotives, using coal or wood for fuel, there shall be constructed a fire line in the following manner:

Strip of bare land or ditch to be maintained.

2. At a distance of not less than one hundred feet nor more than two hundred feet from the outer rail on each side of the track or tracks upon which trains pass, and extending practically parallel with it, a strip of land not less than ten feet wide shall be entirely cleared of trees, brush, grass, turf and other combustible matter, and the bare earth shall be exposed. Where the land is swampy a ditch not less than three feet wide, dug to the level of permanent water, may replace the bared strip. Between such bared strip or ditch, and the roadbed, all logs, fallen branches of trees, brush, grass and other combustible material shall be cut and removed or burned on the ground at some convenient time between the first day of November in each year and the first day of March next following; *provided, however,* that standing trees above three inches in diameter at the stump and not less than six feet apart need not be felled but must be pruned of branches to not less than six feet above the ground. Where the standing trees are close together enough must be removed to make those remaining not less than six feet apart; *and provided further,* that the Forest Park Reservation Commission, on application of the railroad company, may authorize the omission of a fire line, or of a reburning or reclearing of the same in such sections as in its judgment the making, reburning, or reclearing shall be unnecessary.

Proviso.

Trees separated.

Proviso.

Length and location of fire lines.

3. The Forest Park Reservation Commission shall each year determine the length and location of such fire lines as shall be constructed under the provisions of this act. It shall be the duty of the assessor of each and every township or other municipality in which such fire lines will lie to furnish to the Forest Park Reservation Commission, within ten days of receipt of request for the same, the names and post-office addresses of the owners of woodland on which such fire lines will lie, so far as they appear upon the tax books

Notification to owners.

of said township or other municipality. The Forest Park Reservation Commission shall thereupon mail to each person whose name and address shall appear on said list, notice of its intention to order the construction of a fire line, and shall also give notice of its intention by advertisement inserted once in two papers of general circulation in the section in which said lands are situated.

In case of objections.

4. If the owner of any woodland shall object to the construction of the proposed fire line upon his property he shall file within fifteen days of the date of said notice or of said advertisement, with the Forest Park Reservation Commission, an objection thereto, which objection shall contain such description of the property as shall be necessary to establish its location. The owner of any woodlands who shall not file, for any reason, an objection to the construction of the said fire line within the time specified, shall be deemed to have given his consent thereto. If the owner of any woodland file as above specified his objection to the proposed construction, the Forest Park Reservation Commission, if it deem the construction of the fire line through said property to be a public necessity, shall notify him by registered mail to show cause before the Commission at such time as it may appoint (which time shall be not less than ten days from the date of said notice) why the fire line should not be constructed as proposed. After said hearing, the Forest Park Reservation Commission may sustain the objection or may order the fire line cut as proposed, and its decision shall be final.

Annual construction by railroads.

5. Each railroad company affected hereby shall construct each year until all has been completed, such length of fire line as may be ordered by the Forest Park Reservation Commission after notice and hearings given as above specified; *provided, however,* the total length of fire line required to be constructed shall not exceed in one year one-fifth of the total frontage of woodland along both sides of its main stem and branches extending therefrom. It shall also maintain by the necessary clearing or reburning each year all

Proviso.

Maintain clearings.

that has been previously constructed. Before the first of October in each year the Forest Park Reservation Commission shall specify to the general manager or local superintendent of each railroad the location of that part of the said fire line to be constructed by the railroad under his charge during the following season; *provided, however,* that nothing in this act shall apply to any tract of woodland which is entirely isolated from any larger body of woodland by public roads or waterways at least twenty feet wide or by open fields, and which has an area less than five times the area of a fire line of the minimum width—namely, one hundred and ten feet—required to be constructed by section two of this act; and such tracts shall not be included in estimating the total frontage of woodland along any railroad line. After the issuance of said order said railroad company may enter upon said lands for such purpose, and no action of trespass shall lie in consequence thereof unless the employes of the railroad company in the construction of said fire lines shall do other damage to the property than that necessarily incident to the construction of the said fire lines as required by this act.

Proviso.

Right of entrance.

6. All marketable wood which shall be cut upon land not belonging to the railroad company in constructing the said fire line, in accordance with the provisions of this act, shall be piled at some point beyond the fire line, subject to removal by the owner.

Cuttings.

7. Nothing in this act shall operate as a bar to any action against any railroad company for damages to woodland through fire started by locomotive or employes.

Action against railroads not barred.

8. Any railroad company which shall have been notified to construct fire lines in accordance with section five hereof and which shall fail to do so, shall incur a penalty of two hundred dollars per mile or fraction thereof of fire line not constructed as required by this act, to be recovered in an action of debt at the suit of the Forest Park Reservation Commission, and

Penalty.

all moneys so received by the said commission shall be paid into the treasury of the State of New Jersey.

9. This act shall take effect immediately.

Approved April 12, 1909.

CHAPTER 75.

An Act to amend "An act to provide for the appointment of sergeants-at-arms for the several circuit courts in counties of the first class, and fixing the salary to be paid them, approved June first, one thousand nine hundred and six.

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

Section 2 amended.

1. Section two of the act to which this is a further amendment is hereby amended to read as follows:

Salary of sergeant-at-arms.

2. The salary to be paid said sergeant-at-arms shall be not more than fifteen hundred dollars ($1,500) per annum, as may be fixed by the Board of Freeholders, and no fee or other compensation of any nature shall be allowed; such salary to be paid monthly by the county collector upon certificate of the county clerk of said county.

2. This act shall take effect immediately.

Passed April 12, 1909.

CHAPTER 76.

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 lein in lieu and instead of such arrearages, and to enforce the payment thereof, and to provide for the sale of lands subjected to future taxation and assessment," approved March thirtieth, one thousand eight hundred and eighty-six.

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

Right to redeem land barred after twenty years, when records destroyed by fire.

1. In any case where the public tax records, or the records in the office of the city clerk of any city, have been heretofore destroyed by fire, if a deed given by any officer of said city to the purchaser, or his assignee of lands sold by said city for unpaid taxes or assessments under and by virtue of the act to which this is a supplement, and of the acts amendatory thereof and supplementary thereto be of record in the office of the clerk or register of the county wherein said lands are situate for five years prior to the destruction of such records as aforesaid, and the said purchaser, or those under him, are in the possession of said lands, then the right to redeem said lands under and in pursuance of the provisions of the act to which this is a supplement, and the acts amendatory thereof and supplementary thereto shall be forever barred after the expiration of twenty years from the date of the recording of said deed, and no action for said lands shall be brought or instituted by the owner or mortgagee of, or other person who was interested in said lands at the time of the recording of the deed aforesaid, or by any person or persons claiming under them, after the expiration of twenty years from the date of the recording of the deed aforesaid.

2. This act shall take effect immediately.

Passed April 12, 1909.

CHAPTER 77.

An Act to provide for a suitable representation of the State of New Jersey at the National Encampment of the Grand Army of the Republic, to be held in the city of Atlantic City during the year nineteen hundred and ten, and making an appropriation for the expenses of such encampment.

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

State representation at G. A. R. encampment.

1. The Governor is hereby authorized and requested to order a suitable representation of the State of New Jersey at the National Encampment of the Grand Army of the Republic, to be held in the city of Atlantic City in the year nineteen hundred and ten.

Appropriation.

2. The sum of twenty-five thousand dollars is hereby appropriated out of any money in the treasury not otherwise appropriated for the proper and legitimate expenses attending the reception and entertainment of such representation and of such honorably discharged Union soldiers, sailors and marines, who served in the War of the Rebellion, as may attend, as delegates or otherwise, such National Encampment.

Disbursement of appropriation.

3. The sum hereby appropriated shall be paid to and be disbursed by the Citizens' Executive Committee of Atlantic City, having in charge such reception and entertainment, under such regulations as may be prescribed by the State Treasurer. Within thirty days after the close of the encampment the said Citizens' Committee shall make a verified report to the State Treasurer of the disbursements made by it, and shall return to the State Treasury the unexpended balance of any money drawn in pursuance of this act. No indebtedness or obligation shall be incurred under this act in excess of the appropriation herein made.

4. This act shall take effect immediately.

Approved April 7, 1909.

CHAPTER 78.

A Supplement to an act entitled "An act providing for the establishment of schools for industrial education," approved March twenty-fourth, one thousand eight hundred and eighty-one.

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

State appropriation toward local industrial schools.

1. Whenever in any city of this State the board of trustees of schools for industrial education shall acquire by deed, gift, grant, devise or otherwise, the sum of one hundred thousand dollars, to be expended for the purchase of land and erection and equipment of a building or buildings to be used for the purposes for which said board is constituted, and whenever any such board of trustees of schools for industrial education in said city shall certify, or shall have certified, to the Governor that a sum of money not less than three thousand dollars has been contributed by voluntary subscriptions of citizens, or otherwise, as hereinafter authorized, for the establishment in said city of a school or schools for industrial education, it shall be the duty of the said Governor to cause to be drawn by warrant of the comptroller, approved by himself, out of any moneys in the State Treasury not otherwise appropriated, an amount equal to that contributed by the said city as aforesaid for the said object, and when any such school or schools shall have been established in any city as aforesaid, there shall be annually contributed by the State, in manner aforesaid, for the maintenance and support thereof, a sum of money equal to that contributed each year in said city for such purpose; *provided, however,* that the moneys contributed by the State as aforesaid shall not exceed in any one year the sum of ten thousand dollars.

Proviso.

2. This act shall take effect immediately.

Approved April 12, 1909.

CHAPTER 79.

An Act to amend an act entitled "An act authorizing and empowering towns in this State to appoint assessors of taxes, and regulating the salaries and compensation of such assessors," approved April tenth, one thousand nine hundred and eight.

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

Section 2 amended.

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

Assessors in towns.

2. Such assessor or assessors shall be appointed at a regular meeting of such Common Council, Board of Aldermen, or other governing body, the number to be elected and the salary or compensation to be paid, having first been determined by resolution or ordinance of the Common Council, Board of Aldermen, or other governing body, duly passed and adopted, not to exceed three hundred dollars per annum.

Salary.

In case of one or three assessors.

The salary or compensation of such assessor, in case one is appointed for such town, shall not exceed the sum of twelve hundred dollars per annum, and in case three are appointed the salary or compensation of each shall not exceed the sum of five hundred dollars per annum; *provided, however,* that in case three are appointed, they shall select one of their number to be clerk of such assessors, and he shall receive such additional compensation as the Common Council, Board of Aldermen, or other governing body, may by ordinance prescribe.

Proviso.

2. This act shall take effect immediately.

Approved April 12, 1909.

CHAPTER 80.

An Act to amend an act, entitled "An act to establish fire and police commissions in certain cities of this State of less than thirty-five thousand inhabitants and to prescribe their powers and duties," approved May eighteenth, one thousand nine hundred and six.

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

Section 4 amended.

1. Section four of an act, entitled "An act to establish fire and police commissions in certain cities of this State of less than thirty-five thousand inhabitants and to prescribe their powers and duties," be and the same hereby is amended so as to read as follows:

Clerk to board of fire and police commissioners.

4. Such board of fire and police commissioners, respectively, shall be entitled to have and appoint a clerk at a salary not to exceed five hundred dollars per annum, who shall keep a record of their respective proceedings, and an account of all money received and expended; and said boards of commissioners, respectively, shall make detailed reports monthly to such common council.

2. This act shall take effect immediately.

Approved April 12, 1909.

CHAPTER 81.

An Act extending the time for the completion of certain water works, pipes, mains and conduits.

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

Time for completing water system extended.

1. Whenever the time limited for the completion of any water works, or of any pipes, mains or conduits for supplying water, authorized to be constructed

New Jersey State Library

within this State under any general act shall expire hereafter and before the thirty-first day of December, one thousand nine hundred and nine, 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 the route of such pipes, mains or conduits, and in the acquisition of right of way for the same, or in actual construction, since January first, one thousand nine hundred and six; and *provided further,* that this act shall not apply to any corporation unless such corporation shall first, and as a condition precedent to the exercise of any power granted by this act, file within thirty days after the approval of this act in the office of the Secretary of State a certificate signed by the president and secretary of such corporation accepting the provisions of this act, which shall include an agreement 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 now in existence or that may be hereafter passed taxing such corporations as are now authorized to be taxed by the Legislature of the State under any general law, and further agreeing that the exercise of any power granted by this act shall not in any way affect the rights of 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.

Proviso.

Proviso.

2. Nothing in this act contained shall in any wise affect, alter or repeal an act entitled "An act to establish a State Water Supply Commission and to define its powers and duties and the conditions under which waters of this State may be diverted," approved June seventeenth, one thousand nine hundred and seven, nor relieve any such corporation from the terms, provisions or requirements of the said act.

Limitation of act.

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

Passed April 13, 1909.

CHAPTER 82.

An Act for the relief of Anna V. Walsh, daughter of the late Edward McManus.

Preamble.

WHEREAS, Edward McManus, a resident of the city of Trenton, State of New Jersey, while on duty at the New Jersey State Prison, as deputy keeper therein, and while in the performance of, and in the line of his duty was injured by a prisoner confined in the said New Jersey Prison, and the result of said injury incapacitated him from performing any duty from January twenty-second, one thousand nine hundred and eight, until the date of his death, which occurred February eighteenth, one thousand nine hundred and nine; and

WHEREAS, By reason of said injury it became necessary to incur expenditures in the amount of six hundred and seventy-five dollars, for physicians, operations, hospital accommodations and medicines, and the aforementioned amount was paid by the said Anna V. Walsh; therefore

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

Appropriation.

1. There be included in the act making appropriations for the State government for the fiscal year ending October thirty-first, one thousand nine hundred and nine, the sum of six hundred and seventy-five dollars, to be paid to the said Anna V. Walsh, by the Treasurer of the State, upon the warrant of the Comptroller upon the presentation of proper certificates.

2. This act shall take effect immediately.

Approved April 13, 1909.

CHAPTER 83.

An Act to extend and regulate the liability of employers for injury or death to employes in certain cases.

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

Employer's liability.

1. Where, after this act takes effect, personal injury or death results to an employe who is himself in the exercise of reasonable care at the time:

Defects in plant or implements.

I. By reason of any defect in the condition of the place, ways, works, machinery or plant connected with or used in the business of the employer, which arose from, or had not been discovered or remedied, owing to the negligence of the employer or of any person in the service of the employer, and entrusted by him with the duty of seeing that the place, ways, works, machinery or plant were in proper condition; or

Negligence of overseers.

II. By reason of negligence of any person in the service of the employer entrusted with, and at the time of the injury exercising superintendence, whose sole or principal duty is that of superintendence, or in the absence of such superintendent of any person acting as superintendent, with the authority or consent of such employer; or

Negligence of fellow workmen.

III. By reason of the negligence of any person in the service of the employer who has the charge or control of any signal, switch, locomotive engine or train upon a railroad; said employe, or in case the injury results in death, the executor or administrator of such deceased employe who has left surviving a husband, wife or next of kin, shall have the same right of compensation and remedies against the employer as if the employe had not been an employe of, nor in the service of the employer, nor engaged in his work.

Right to compensation.

Laws applicable.

The provisions of law relating to actions for causing death by negligence, so far as the same are consistent with this act, shall apply to an action brought by an executor or administrator of such deceased employe suing under the provisions of this act.

Time for notice and action.

2. No action against an employer for recovery of compensation for injury or death of an employe under this act shall be maintained unless notice of the time, place and cause of injury is given to the employer within one hundred and twenty (120) days, and the action is commenced within one year after the occurrence of the accident causing the injury or death. The notice required by this section shall be in writing and signed by the person injured, or by someone in his behalf, but if from physical or mental incapacity it is impossible for the person injured to give notice within the time provided in said section, he may give the same within ten (10) days after such incapacity is removed. In case of his death without having given such notice his executor or administrator may give such notice within sixty (60) days after his appointment, but no notice under the provisions of this section shall be deemed to be invalid or insufficient solely by reason of any inaccuracy in stating the time, place, or cause of the injury if it be shown that there was no intention to mislead, and that the party entitled to notice was not, in fact, misled thereby. The notice required by this section shall be served on the employer, or if there is more than one employer, upon one of such employers, and may be served by delivering the same to, or at the residence or place of business of the person on whom it is to be served. The notice may be served by post by registered letter, addressed to the person on whom it is to be served, at his last known place of residence or place of business, and if served by post shall be deemed to have been served at the time when the letter containing the same would be delivered in the ordinary course of the post. When the employer is a corporation notice shall be served by delivering the same or by sending it by post by registered letter, addressed to the office or principal place of business of such corporation.

Nature of notice.

In case of death.

Notice served on employer.

As to risks incident to nature of employment.

3. An employe by entering upon, or continuing in the service of an employer, shall be presumed to have assumed all risks necessarily incident to his occupation or employment. The necessary risks of the occupation

or employment shall, in all cases arising after this act takes effect, be considered as including those risks, and those only, which are inherent in the nature of the business, and which remain after the employer has exercised due care in providing for the safety of his employes, and has complied with the laws affecting or regulating such business or occupation for the greater safety of such employes. In an action maintained for the recovery of damages for personal injuries to an employe, received after this act takes effect, owing to any cause for which the employer would otherwise be liable, the fact that the employe continued in the service of the employer in the same place and course of employment after the discovery by such employe, or after he had been informed of the danger of personal injury therefrom, shall not, as a matter of law, be considered as an assent by such employe to the existence or continuance of such risks of personal injury therefrom, or as negligence contributing to such injury. The question whether the employe understood and assumed the risk of such injury, or was guilty of contributory negligence, by his continuance in the same place and course of employment with knowledge of the risk of injury, shall be one of fact, subject to the usual powers of the court in a proper case to set aside a verdict rendered contrary to the evidence. An employe, or his legal representative, shall not be entitled under this act to any right of compensation or remedy against the employer in any case where such employe knew of the defect or negligence which caused the injury, and failed, within a reasonable time to give, or cause to be given, information thereof to the employer, or to some person superior to himself in the service of the employer who had entrusted to him some general superintendence, unless it shall appear on the trial that such defect or negligence was known to such employer or superior person, or could have been discovered by reasonable and proper care or inspection by such employer or superior person prior to such injury to the employe.

Question of risk one of fact.

No remedy when employe knows defect.

4. An employer who shall have contributed to an insurance fund created and maintained for the mutual purpose of indemnifying an employe for personal injuries, for which compensation may be recovered under this act, or to any relief society or benefit fund, may prove in mitigation of damages recoverable by an employe under this act such proportion of the pecuniary benefit, which has been received by such employe from such fund or society on account of such contribution of employer, as the contribution of such employer to such fund or society bears to the whole contribution thereto. In case employer contributes to insurance fund.

5. Every existing right of action for negligence or to recover damages for injuries resulting in death is continued, and nothing in this act contained shall be construed as limiting any such right of action, nor shall the failure to give the notice provided for in section two (2) of this act be a bar to the maintenance of a suit upon any such existing right of action. Existing rights continued.

6. This act shall take effect September 1st, 1909. Effective.

Approved April 13, 1909.

CHAPTER 84.

SUPPLEMENT to an act entitled "An act concerning District Courts (Revision 1898)," 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. That hereafter from the passage of this act no clerk of any District Court now constituted and established by, under or in pursuance of any law of this State, shall practice law in the said District Court, nor shall said District Court Clerk or Constable receive Clerk of district court not to practice therein

any fees for drawing any papers in connection with any action brought in said District Court.

Penalty.

2. Any clerk or constable who shall violate any of the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished for each and every violation with a fine of not less than fifty ($50.00) dollars, nor more than five hundred ($500.00) dollars.

3. This act shall take effect immediately.

Approved April 13, 1909.

CHAPTER 85.

An Act to amend an act, entitled "An act to amend an act, entitled 'An act to establish schools of detention,' " approved March twenty-seventh, one thousand nine hundred and six, which amendatory act was approved April sixteenth, one thousand nine hundred and eight.

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

Section 6 amended.

1. Amend section six of an act, entitled "An act to amend an act, entitled 'An act to establish schools of detention,' " approved March twenty-seventh, one thousand nine hundred and six, which amendatory act was approved April sixteenth, nineteen hundred and eight, so that it shall read as follows:

Counties may contract with private institutions for care of children.

6. In counties of the State where the total commitments of the above classes of children during the year may be so few as in the judgment of the board of chosen freeholders to render impracticable, on account of the large expense involved, the building and supporting of such houses of detention, it shall be lawful for such county, through its respective board of chosen freeholders, with the consent of the judge of the Juvenile Court of said county, or the judge of the Orphans'

Court, if there be no Juvenile Court, to enter into negotiations with any reputable and regularly incorporated society or institution in this State whose business it is to care for homeless or indigent or neglected children, for the board and care of such children as may from time to time be committed by the said judge; *provided,* such society or institution is willing to enter into bonds to carry out in full the spirit and intent of this law as to the length of time such child or children shall be detained, the character of the physical, the mental and the moral discipline it shall receive, and the regular reports to be made; and *provided,* said children are regularly sent to the public school in the district in which said institution is located. And the said judge, with the concurrence of the said board of chosen freeholders, is hereby authorized to fix the price to be paid per week for the board of each child so placed, not exceeding three dollars per week; the amount to be expended in clothing, medical attendance or incidentals that may be found necessary, and to provide for the payment of all such expenses. And such corporate society or institution, by thus accepting such children from the county shall not thereby become a part of the public school system of the State, but retain its place and its corporate powers and its character as a private institution belonging to and a part of the said corporate society or institution.

Proviso.

Proviso.

Charges fixed.

Such schools not part of State school system.

2. This act shall take effect immediately.

Approved April 13, 1909.

CHAPTER 86.

An Act to further amend an act entitled "An act to amend an act entitled 'A further supplement to an act entitled "An act concerning townships"' " (Revision of 1899), approved March twenty-fourth, one thousand eight hundred and ninety-nine, approved April ninth, one thousand nine hundred and two, which amendment was approved April twenty-first, one thousand nine hundred and six.

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 be and the same is hereby amended to read as follows:

Committee may accept streets;

1. The township committee shall have the power and authority by ordinance

(1) To accept any street, road, or public place when the same shall have been dedicated to the public use.

lay out, improve, acquire, etc.

(2) To lay out, open, widen, straighten, name, rename, alter or vacate any street, avenue, road or highway, or any section of the same, whenever it shall deem it necessary, and to take and appropriate for any such purpose any lands and real estate upon making compensation to the owner or owners thereof at a price agreed upon; and whenever the Township Committee and the owner of any lands shall agree upon a price for the purchase thereof, then the Township Committee may borrow, in anticipation of the collecting of the assessments and taxes for any said improvement, such sum of money as may be necessary to pay such purchase price, giving therefor obligations or improvement certificates, in the name of the township, payable at any time within five years from their date, signed by the chairman of the Township Committee, attested by the township clerk; and, in case the Township Committee cannot agree with the owner or owners of the lands and real estate necessary for any such purposes, then the same may be acquired by the

Committee may borrow money.

payment of damages, as hereinafter mentioned and provided.

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

Approved April 13, 1909.

CHAPTER 87.

A Supplement to an act entitled "An act to establish a thorough and efficient system of free public schools and to provide for the maintenance, support and management thereof," approved October nineteenth, one thousand nine hundred and three.

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

1. Any township, incorporated town or borough school district, which shall have heretofore ordered and authorized the issuance of bonds for any lawful purpose under said act, which bonds are payable in part each and every year, where through inadvertence or mistake, no provision has been made for the raising of the amount of the part of the principal due for that year, together with interest on the whole sum, that the said board of education of the said township, incorporated town or borough school district, in said county, shall and the same is hereby authorized to issue its notes, payable not longer than one year from the date of issuance, at a rate of interest not exceeding six per cent., which may be discounted and the proceeds thereof used for the payment of the said part of the principal and interest so due as aforesaid; the amount of such payments, together with the amount to be raised the following year, shall be ordered raised by the district clerk as now provided by law. Notes issued to meet principal and interest not provided for.

2. This act shall take effect immediately.

Approved April 13, 1909.

CHAPTER 88.

An Act to amend an act, entitled "An act relating to appropriations in certain municipalities and unexpended balances thereof," approved June seventeenth, one thousand nine hundred and seven.

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 relating to appropriations in certain municipalities and unexpended balances thereof," approved June seventeenth, one thousand nine hundred and seven, be and the same hereby is amended so as to read as follows:

Use of unexpended balance at end of year.

1. In any municipality in this State where the amounts to be raised by taxation and the limit of expenditure for the several departments of such municipality are fixed and determined by resolution of the board of aldermen, board of finance, common council, or other governing body thereof, and not by the voters thereof at annual or special elections, it shall be lawful for such board of aldermen, board of finance, common council or other governing body, by resolution passed after the expiration of any fiscal year, to carry forward the balance of any appropriation remaining unexpended or unpledged at the end of the said preceding year, to the same or other account or appropriation of the next, that is to say, the then present fiscal year, or by resolution to provide that such balance shall be paid into the sinking fund or funds of such municipality, whether such appropriation be made out of moneys raised by taxation or derived from any other source of revenue.

2. This act shall take effect immediately.

Approved April 13, 1909.

CHAPTER 89.

A Supplement to an act entitled "An act relating to, regulating and providing for the government of cities," approved April third, one thousand nine hundred and two.

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

Fire commission in cities.

1. In any city which has adopted, or which shall hereafter adopt, the act to which this is a supplement, the city council may, by ordinance establish, maintain and abolish from time to time a fire commissioner or board of fire commissioners, which board shall consist of such number of persons as city council may determine, and such commissioner or board shall be appointed for such a time or times at such compensation, subject to such provisions, rules and regulations for the organization and conduct thereof as such city council may from time to time determine; and to delegate to said commissioner or board of fire commissioners the power, authority and direction of the election, appointment, regulation, suspension and dismissal of the chief and other officers and employes of said department, the fixing of their compensation (excepting the compensation of said fire commissioners), the keeping of the records in relation to said department, the making of rules and regulations governing said department, the expenditure of sums appropriated by said city council for the use of said department (whether from the proceeds of the sale of bonds therefor or from the general receipts from taxes), the lease and purchase of all real and personal property necessary or proper to the use of said department, the sale of all personal property no longer needed by said department and all other powers which said city council may deem necessary to the efficient conduct of said department; *provided,* that no moneys shall be expended by said board except from appropriations made by said city council, and except for the purpose for which said appropriations shall have been designated;

Power, duties, etc.

Proviso.

Proviso.

and provided further, that all disbursements for said expenditures shall be by warrant of the city comptroller upon the city treasurer in payment only of bills duly approved by said commissioner or said board of fire commissioners.

Acts repealed.

2. That an act entitled "A supplement to an act entitled 'An act relating to, regulating and providing for the government of cities,' " approved April third, one thousand nine hundred and two, approved February twenty-fourth, one thousand nine hundred and four; and an act entitled "An act to amend an act entitled 'An act relating to, regulating and providing for the government of cities,' " approved April third, one thousand nine hundred and two, approved May thirteenth, one thousand nine hundred and seven, be and the same are hereby repealed; and that this act shall take effect immediately.

Approved April 13, 1909.

CHAPTER 90.

An Act relating to paving, flagging, maintaining, repairing and otherwise improving sidewalks in cities in this State.

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

Sidewalks; their laying and maintenance.

1. The board or body having the control and regulation of streets, avenues, highways and sidewalks in any city of this State shall be authorized and empowered to pass, amend and repeal ordinances to require the sidewalks of such streets, avenues and highways to be paved or flagged, maintained, repaired or otherwise improved by the owner or owners of premises fronting or abutting thereon, or by the agent or other person in general control of buildings fronting or abutting thereon, and to prescribe reasonable penalties for

Penalty.

the violation of any provision of any such ordinance, not to exceed two dollars for each offense.

Each day a separate violation.

2. It may be provided in any such ordinance that the neglect or refusal to obey any provision thereof may be construed to be a distinct and separate offense for each day the same shall be continued.

3. This act shall take effect immediately.

Approved April 13, 1909.

CHAPTER 91.

A Supplement to an act entitled "An act relative to sales of land under a public statute or by virtue of any judicial proceedings" (Revision), approved March twenty-fifth, one thousand eight hundred and seventy-four.

Preamble.

WHEREAS, The provisions of the act relative to sales of land and the advertisement of the same have not been in all respects complied with, whereby the titles to certain lands are alleged to be defective and unmarketable.

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

Sale of land not invalidated by failure to advertise legally.

1. No sale of lands heretofore made by any sheriff, coroner, master in chancery, executor, administrator, guardian, commissioner, auditor, or other officer or person, shall be invalidated or held to be defective by reason of such sale not having been advertised in a newspaper printed and published at the county seat of the county in which the lands which were advertised for sale are situated, or by reason of said sale not having been advertised in a newspaper printed and published in the municipality in said county having the largest population by the preceding federal or state census, as now required by law; but that any such sale, having been duly reported to and confirmed by

the proper court, and such sale having been advertised for the time required by law in two newspapers printed and published in the county where such lands are situate, shall vest as good and complete a title thereto in the purchaser or purchasers who shall have paid or may hereafter pay the purchase price for said lands and received or receive the deed therefor, as if said sale had been advertised according to the provisions of the act to which this is a supplement.

2. This act shall take effect immediately.

Approved April 13, 1909.

CHAPTER 92.

An Act to amend an act entitled "An act to establish a thorough and efficient system of free public schools, and to provide for the maintenance, support and management thereof," approved October nineteenth, one thousand nine hundred and three.

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

Section 229 amended.

1. Amend section two hundred and twenty-nine of the act to which this is an amendment so that it shall read as follows:

Medical inspector.

229. Every board of education shall employ a competent physician to be known as the medical inspector and fix his salary and term of office. Every board of education shall adopt rules for the government of the medical inspector, which rules shall be submitted to the State Board of Education for approval.

Duties.

The medical inspector shall examine every pupil to learn whether any physical defect exists, and keep a record from year to year of the growth and development of such pupil, which record shall be the property of the board of education, and shall be delivered by said medical inspector to his successor in office. Said

inspector shall lecture before the teachers at such times as may be designated by the board of education, instructing them concerning the methods employed to detect the first signs of communicable disease and the recognized measures for the promotion of health and the prevention of disease. The board of education may appoint more than one medical inspector. A board of education may exclude from school any child whose presence in the school-room shall be certified by the medical inspector as detrimental to the health or cleanliness of the pupils in the school, and shall notify the parent, guardian or other person having control of such child of the reason therefor. If the cause for exclusion is such that it can be remedied, and the parent, guardian or other person having control of the child excluded as aforesaid shall fail or neglect within a reasonable time to have the cause for such exclusion removed, such parent, guardian or other person shall be proceeded against and, upon conviction, be punishable as a disorderly person.

Exclude certain children.

2. This act shall take effect immediately.

Approved April 13, 1909.

CHAPTER 93.

An Act permitting the use of armories of New Jersey for athletic purposes, by pupils of the schools of this State.

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

1. It shall be lawful for the commanding officer of the regiment having the use of any armory, at his discretion, subject to the approval of the Military Board, to permit such armory to be used for athletic purposes by the pupils of the schools of this State upon the application of the principal of the school, subject to such

Use of armories by school children.

regulations as may be prescribed by said commanding officer.

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 April 13, 1909.

CHAPTER 94.

An Act to enable counties to sell and convey or to lease public lands which are not used, needed or desirable for public purposes.

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

Freeholders may dispose of unused land.

1. It shall be lawful for the board of chosen freeholders of any county in this State which owns lands and real estate not used or needed for public purposes, or the further use of which, in the judgment of said board, is no longer desirable, by resolution, adopted by the affirmative vote of at least two-thirds of the entire number of members of such board, to sell and convey such lands and real estate, or any part thereof, or to exchange the same for other lands adapted to the public use for which they are designed, or to lease for a term of years such lands and real estate, or any part thereof; if in the discretion of said board, it is deemed more advisable; the moneys received from the sale, exchange or letting of such lands and real estate shall be paid to the county collector of such county for the general uses and purposes of such county.

Repealer.

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

Approved April 13, 1909.

CHAPTER 95.

An Act concerning the government of certain cities in this State and constituting a municipal board of police commissioners therein and defining the powers and duties of such board, and vesting in such board certain powers of management and appointment now vested in other departments or offices in such cities and providing for the maintenance of such board.

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

Police commission.

1. In all cities in this State, now or hereafter having within their territorial limits a population of not less than fifty thousand nor more than one hundred thousand inhabitants, according to the United States or State census, there shall be established a board of police commissioners, which shall be invested with the powers and duties hereinafter set forth. In all cities now or hereafter having such population the mayor thereof shall appoint within one month after the adoption of this act, as hereinafter provided, four suitable persons, residents of such city, to be known as the Board of Police Commissioners (not more than two of whom shall be members of the same political party), two of whom shall be appointed to serve until the first day of January next following such appointment, and two of whom shall be appointed to serve until the first day of January secondly following such appointment. On the first day of January next following such appointment, and on each succeeding first day of January thereafter, the said mayor shall appoint two suitable persons, residents of such city, for the term of two years, to take the place of those members whose term shall then expire; not more than two of said board shall at any time be members of the same political party. The members of said board shall receive an annual salary not exceeding one thousand dollars, to be fixed and determined by the common council of such cities, to be paid monthly in the same manner as pro-

Bi-partisan board appointed by mayor.

Term.

Salary.

Vacancies.

vided by law for other city officers. Any vacancy in such board of police commissioners shall be forthwith reported by the clerk thereof to said mayor, who shall, within thirty days thereafter, appoint a person to fill such vacancy for the unexpired term only. Each of the members of said board shall devote such time and attention to the faithful performance of the duties of his office as the affairs under the government, control and management of such board may require. The members of such board so appointed as aforesaid shall constitute and be called "The Board of Police Commissioners of the city of ....." (name of the city in and for which they are appointed). Each member of such board shall within ten days after his appointment qualify by taking and subscribing before some person authorized to administer oaths, an oath or affirmation to faithfully discharge the duties of his office to the best of his skill and understanding, and also give bond to such city in the sum of five thousand dollars, to be approved as to form thereof by the city council of such city and as to sufficiency thereof by the mayor of such city, for the faithful discharge of his official duties, which bond shall be filed in the office of the clerk of such city.

Official title.

Oath.

Bond.

Vested powers to supersede present authorities.

2. The said board of police commissioners shall be in the place of and be substituted for, and shall be invested with all the powers and duties now vested in or exercised by any officer or officers, board of aldermen, common council, police board, or other governing body, by whatever name called, in any such city in this State, concerning and appertaining to the appointment, powers, government and other matters relating to the police department of such cities, and they are also hereby fully authorized and empowered to appoint such officers and members and employ such persons from time to time as they may deem necessary in said department, and to fix their compensation, which said compensation may be increased from time to time, as the good of the department may, in the judgment of said board, require; *provided, however,* that such increase in salary shall be made applicable to all mem-

Proviso.

bers of said department in any particular grade, based on the period of service or otherwise, as may be designated by the rules of said board; *provided, however,* that the appointment of chief of police shall be confirmed by the common council or other governing body of said city; they shall also adopt such rules and regulations as to the appointment, control, duties and dismissals of the employes and the officers and the members of the police department as to them shall seem expedient, and may alter the same at pleasure; *provided, however,* that no member of the said police department, or clerk of any board of police commissioners heretofore or hereafter appointed, shall be removed from office or reduced in rank except for cause and after trial therefor before said board in the manner provided by law.

Proviso.

Proviso.

3. Every local board of police commissioners now existing in any such city in this State, which is in fact constituted in the manner required by the first section of this act, shall be deemed, held and taken to be a board of police commissioners created under the provisions of this act, and every such board is hereby perpetuated and continued and is hereby authorized without reorganization to exercise all the powers and required to perform all the duties applicable to boards of police commissioners mentioned in this act; the members of every such board shall continue in office until the expiration of the terms for which they were originally appointed; and all ordinances, rules and regulations which have heretofore been passed or adopted by any such board, which might be adopted or passed under the authority of this act, shall continue to be the ordinances, rules and regulations of such board of police commissioners, and shall be of the same force and validity as if they had actually been adopted or passed under the provisions and authority of this act.

Certain boards continued.

Existing rules in force.

4. Immediately after qualifying by taking and subscribing the official oath as herein provided, and filing their official bonds, the commissioners appointed under this act shall meet and proceed to organize said board,

Organization.

President.

and shall elect by ballot, by a majority vote, one of the said commissioners to act as president of such board, and should they fail to elect a president at their first meeting, they may adjourn from time to time and continue to ballot until they elect a president, and the person so elected shall continue to act as president of such board up to the first day of the following January, and thereafter they shall, in the same manner, each year elect a president to hold office for the ensuing year and in the case of a vacancy occurring in the office of president at any time during the year the said board is hereby authorized and empowered to fill the office for the rest of the year in the same manner as herein provided; a majority of the whole number of members of said board shall be necessary to constitute a quorum for the transaction of business, and the acts of three members of such board shall be the acts of the board. The said president shall have power to call a special meeting of such board whenever he shall deem it expedient.

Clerk to board.

5. The said board shall have power to appoint a clerk and to fix his compensation, which shall be paid monthly in the same manner as the salaries of other city officials are paid, and the said clerk shall first take and subscribe an oath of office, before some person authorized to administer oaths, faithfully and impartially to perform his duties, and he shall enter into bond in such city in such sum as the said board may direct, to be approved of in the same manner as the bonds of the said commissioners, and the said bond shall be filed in the office of the comptroller of such city. It shall be the duty of said clerk to keep a correct and accurate account of all the proceedings of the said board in a book or books, which the said board is hereby authorized to provide for the purpose, and he shall perform such other duties and keep such other books, records and accounts as the said board may from time to time direct, and he shall at all times have the minutes and books of the said board open for the inspection of the mayor, board of finance or other governing body having charge of the finances of such city, and shall at all times give such information to the mem-

Oath.

Bond.

Duties.

bers of the board of police commissioners as they shall desire.

Invalidity of part not to affect other sections.

6. In case, for any reason, any section or provision of this act shall be questioned in any court or be held to be unconstitutional or invalid, the same shall not in any wise affect any other section or provision of this act.

All records turned over to new board.

7. All books and papers, matters and things in the possession of any police board, board of aldermen, common council or other governing body in any such city appertaining to or used by them or either of them in the discharge of their duties in the care and management of the respective departments and offices of which the board appointed under this act shall have the management and control, shall be delivered up to the said board pursuant to the provisions of this act immediately after demand therefor.

Moneys turned over to new board.

8. Upon the organization of the said board of police commissioners herein provided for in any such city, all the unexpended appropriation or moneys heretofore made or received by any municipal or corporate authority of any such city or by any board of aldermen, common council, board of finance, police board or any governing body in such city, and at that time under the control or in the custody of any such board for or on account of or to the credit of such board or boards, department or official, on the books of such city for the purposes of the respective departments or offices over which the said board of police commissioners appointed under this act are given control and management, shall thereupon, after the said organization of said board, immediately become subject to the sole and absolute control and power and disbursement of such board of police commissioners, and shall thereafter be expended and disbursed only by authority of said board for the purposes for which said unexpended balances or appropriations or receipts were assessed, collected, received or appropriated by such city or the municipal authorities thereof, and the same shall be paid out by such city or its municipal authorities in the manner

hereinabove provided for payments to be made for obligations created by this board in such city.

Commissioner has power of arrest.

9. Each of such police commissioners shall have full powers to arrest, without warrant, for breaches of the peace committed in their presence; and in every such case of arrest the person so arrested shall have to be forthwith taken before a proper judicial officer to be dealt with according to law.

Subpoenas.

10. The said board of police commissioners shall have and are hereby given the power to issue subpœnas, signed by the secretary of said board, or, in his absence, by one of the members thereof, to compel the attendance of witnesses, under the penalty of fifty dollars, upon any proceedings, investigations or trials had before it under the laws of this State or ordinances of such city, or by virtue of the rules and regulations of said board, and each member is hereby authorized and empowered to administer oaths or affirmations in any matter, trial or proceeding pending before said board; and any person who wilfully and corruptly commits perjury in giving testimony under oath before the said board, or who shall procure or suborn any person to commit corrupt and willful perjury in giving testimony before said board, shall be deemed guilty of a high misdemeanor and shall be punishable in the same manner as is now prescribed by the statutes of this State in cases of perjury. In case any person who has been duly served with process of subpœna, and who has been paid or tendered the fees provided by law for the attendance of witnesses, neglects or refuses to obey the command of such subpœna, it shall be lawful for the judge of the Court of Common Pleas in any county in this State, on due proof, by affidavit, of the service of a subpœna on such witness, and of the payment of his legal fees or of the tender of the same to him, and of his refusal or neglect to obey the command of such subpœnas as aforesaid, to issue an attachment against such person to bring him before the said judge or before the bar of the said court, and the said court shall have power to proceed against said witness as for contempt of said court.

As to perjury.

Neglect to obey subpoena.

Annual report.

11. The said board shall annually at such time as the board of aldermen, common council or other governing body shall direct, submit to the mayor of such city a full report of the proceedings of said board showing the condition of the police department of such city and other matters within their jurisdiction, which report shall be published in the same manner as the reports of other city officials, and a copy thereof shall be filed in the office of the city clerk.

Monthly pay-roll.

12. The said board shall cause to be prepared in the different departments over which it has control and management a monthly pay-roll, to be submitted to the board of aldermen, common council, board of finance or other governing body having charge of the finances of such city, whose duty it shall be to provide for the payment thereof in the same manner that the salaries of city officials and employes in such departments are now paid by law in any such city.

Warrants on city treasury.

13. No money shall be drawn from the treasury of any such city for any obligation created by the said board of police commissioners appointed under this act except upon the presentation of an itemized bill for the same, duly verified and approved by said board of police commissioners, and by the board of finance or other governing body having charge of the finances of such city.

Estimate of yearly expenses.

14. At such time in each year as the board of aldermen, common council, board of finance, or other governing body having charge of the finances and of levying the taxes in such city, shall by resolution direct, the said board of police commissioners shall estimate in detail the expenses of the respective departments under their control and management for the ensuing year and transmit the same to the said governing board of such city, which body shall make provisions for the assessment of the same, or so much thereof as they shall deem proper, in the tax ordinance of such year, and that the said board of police commissioners shall not make any contracts or create any obligations against the city in excess of such appropriations. The said board shall also have power to buy, sell, construct or repair

Board may buy, sell, etc.

such things as in their judgment they shall deem expedient and necessary for the proper maintenance and management of the said police department; and where the amount to be expended for supplies, appliances and other things that may be required for the said police department exceeds the sum of five hundred dollars, they shall, when practicable, solicit proposals for the same by advertisement in two daily newspapers of said city for five days previous to the awarding of a contract for the same, and in every instance they shall award the contract to the lowest responsible bidder, who shall give satisfactory security for the performance thereof; *provided, however,* that the said board shall have the right to reject any or all bids if deemed by them to be for the best interest of the said city.

Proposals.

Proviso.

Mayor may veto acts of board.

15. The mayor of any city subject to the provisions of this act shall have the right to veto the acts of the the said board of police commissioners involving the expenditure of money, with the exception of appointments authorized under this act, and copies of all the resolutions or other proceedings involving such expenditure of money shall be furnished to the mayor of every such city, and he shall have five days in which to consider them in each case before signing or returning them to the said board with his objections. In case the mayor does not sign and return the same with objections within the time above limited, the action or proceedings of the said board shall stand approved. The mayor shall have the power to veto any item or items contained in any resolution involving the expenditure of money for any purpose other than appointments, and approve the residue. Said board may pass any resolution or other matter, notwithstanding such objections of the mayor, by a majority vote of all the members thereof.

Passage over veto.

Not hold two positions.

16. No member of the said board of police commissioners shall hold or accept any other public office under the government of such city unless he shall first resign his office of commissioner under this act, and upon his acceptance of any such office his position as

a member of said board of police commissioners appointed under this act shall become vacant.

Office accommodations.

17. The board of aldermen, common council or other governing body, by whatever name called, of such cities where the said commissioners of police are appointed under this act, shall provide suitable rooms for the transaction of the business of the said commissioners and shall procure suitable furniture therefor.

Referendum.

18. The acceptance of this act shall be submitted to the qualified voters of any of said cities at a general or municipal election therein whenever at least five per centum of the legal voters of such city, as shown by the election returns of the last general or municipal election in such city, shall, by their petition, duly signed and delivered to the clerk of such city, have requested that such question shall be so submitted; such submission shall be made and the vote thereon taken at the next general or municipal election held in such city in the manner provided by the laws of this State for the submission of a question or proposition to the people of the State or any political division thereof.

Repealer.

19. All acts and parts of acts, general and special, public or local, and all charters or parts of charters of any city, inconsistent with the provisions of this act be and the same are hereby repealed.

20. This act shall take effect immediately.

Approved April 14, 1909.

CHAPTER 96.

An Act with reference to the degree of care necessary to be used by travellers over railroad crossings protected by flagmen or safety appliances or both.

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

When grade crossing is protected, user's right to assume proper operation.

1. Wherever any railroad whose right of way crosses any public street or highway, has or shall install any safety gates, bell or other device designed to protect the traveling public at any crossing or has placed

at such crossing a flagman, any person or persons approaching any such crossing so protected as aforesaid, shall, during such hours as posted notice at such crossing shall specify, be entitled to assume that such safety gate or other warning appliances are in good and proper order, and will be duly and properly operated unless a written notice bearing the inscription "out of order" be posted in a conspicuous place at such crossing, or that the said flagman will guard said crossing with sufficient care whereby such traveler or travelers will be warned of any danger in passing over said crossing, and in any action, brought for injuries to person or property, or for death caused at any crossing protected as aforesaid, no plaintiff shall be barred of the action because of his failure of the person injured or killed to stop, look and listen before passing over said crossing.

2. This act shall take effect immediately.

Approved April 14, 1909.

CHAPTER 97.

An Act to empower municipalities to establish and maintain plants for the treatment, disposal or rendering of sewage.

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

Sewage disposal plants.

1. Cities of this State are hereby empowered to establish and maintain suitable plants, works or stations for the treatment, disposal, or rendering of sewage. It shall be lawful for the municipal board, commission or body of any city having charge of the sewers therein, to adopt an ordinance or ordinances providing for the construction and maintenance of a plant or works for the treatment, disposal or rendering of the sewage of such city in accordance with a general plan in such ordinance or ordinances to be specified, which

Plans approved by state board of health.

plan shall first be approved by the Board of Health of the State of New Jersey as provided by Chapter seventy-two of the Session Laws of one thousand nine hundred, and the acts amendatory thereof and supplementary thereto. Whenever such ordinance shall be adopted as aforesaid, it shall be the duty of the board or commission having charge of the sewers in such city to proceed to carry the provisions of said ordinance into effect and to do and perform all such things as are necessary and proper for the establishment of such plant or works. Such plant or works may be located within or without the limits of such city at any place within this State; *provided, however,* it shall not be lawful to locate any such disposal plant or plants in any municipality other than the one desiring the same, unless the municipality in which said disposal plant is intended to be located shall consent thereto, said consent to be given by the governing body and board of health of the city, town, township or borough in which it is proposed to locate such disposal plant, upon application in writing for that purpose made; and in case of the refusal of the municipal authorities and local board of health to grant the same, then the city making such application may, after such refusal, apply to the State Board of Health, which shall have power to reverse the decision of the local authorities and grant the application for said disposal works; and in case the local authorities grant the permit to locate any such disposal plant or plants, and the same shall be deemed objectionable by the inhabitants of the city, town, township or borough where it is proposed to locate, then ten citizen freeholders thereof may, within thirty days after the granting of such permit, apply to the State Board of Health, which shall have power to reverse the decision of the local authorities and prohibit said location, and it is hereby specially provided that all cities making application as aforesaid for the location for any such disposal plant or plants shall accompany the same with a descriptive map of the premises they propose to occupy, a copy of which shall be also filed in the office of the State Board of Health.

Where located.

Proviso.

State board may reverse local authorities.

City to acquire land, rights, etc.

2. Any city having adopted an ordinance for the purpose mentioned in the preceding section shall have power and authority to purchase and acquire lands and rights or interests in lands within and without the boundaries of such municipality, which may be deemed necessary for the construction of pipes, conduits, drains, buildings, disposal, pumping or other works, authorized by this act and by such ordinances. If in any case the city shall be unable to agree with the owner or owners of any lands or rights or interests in lands deemed necessary by said city in the construction and operation of the works in such ordinance provided for, or when, by reason of legal incapacity or absence of the owner or owners, no agreement can be made for the purchase thereof, the lands or rights or interests in lands so deemed necessary for the purposes aforesaid shall be acquired by condemnation by said city in the manner provided by the general laws of this State relating to the condemnation of lands for public uses; but no private property shall be taken for the purposes aforesaid unless compensation therefor shall have first been made or tendered to the owner or owners thereof, or, in lieu thereof, paid to the clerk of the county in which the lands taken are located, for the use of the person or persons entitled to receive the same; and in case such payment or tender to the owner or owners or payment into court is made by the city upon the award of commissioners, the city shall be entitled to take immediate possession of the property so condemned, notwithstanding any appeal.

May resort to condemnation proceedings.

Private property to be compensated.

Construct conduits wherever necessary.

3. The said city, through its engineers, officers and agents, shall have power to construct any conduit by it to be made or constructed under or over any water course, under or over or across or along any street, turnpike, railway, canal, highway or other way, and in or upon private or public lands, and in or upon lands of this State, and under highways of this State, in such manner, however, as not unnecessarily or unreasonably to obstruct or impede traffic or navigation; and may enter upon and dig up any street, road, highway or private or public lands for the purpose of con-

structing or laying conduits upon or beneath the surface thereof, and for maintaining and operating the same, and, in general, may do all other acts or things necessary, convenient and proper to carry out the general purposes expressed in the first section of this act. It shall be the duty of such city to restore any and all streets, roads, highways, turnpikes, railways or canals that may be disturbed or dug up in the course of such operations as nearly as possible to the same condition that they were in prior to such disturbance.

Right of entry.

4. The said city may, by its officers, engineers, 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 conduit or the site of any works authorized under this act, and doing all necessary preliminary work, doing, however, no unnecessary injury or damage to private property.

Operation of plant.

5. Upon the completion of said plants and works, such city is authorized to convey and cause to be conveyed the sewage of such city to the said plant or works for treatment or disposal in accordance with the plan in said ordinance specified, and there to render, treat and dispose of the same. For this purpose such city shall have power and is hereby authorized, through the board or body having charge of its sewers, to make such regulations and rules governing the general system of sewers in the municipality and the use of the same by householders, manufacturers and others as shall be to the public interest, and by appropriate penalties to be prescribed by ordinance to compel obedience to the same. Such city is authorized to make all changes in its present system of sewers as may be necessary to adapt the same to the plan and scope of the said plant or works, and to prescribe the terms upon which householders, manufacturers and corporations may connect with said system and contribute their sewage thereto for treatment and disposal.

Rules and regulations.

Change present system.

Management and employes.

6. Every city operating under this act is hereby authorized to appoint such engineers, chemists, superintendents, clerks and other agents and officers as may

be necessary for the management, supervision and maintenance of the said plant, both in its construction and in its operation, and at pleasure to remove the same; and to fix and pay to each of such appointees such just salary or compensation as may be fixed. The appointment of such officers and agents and the fixing of their salary shall be done by the board or body having charge of the public sewers of such city.

Contracts let.

7. All work done and materials purchased for the construction or operation of said work or works, the cost of which shall exceed one thousand dollars, shall be by contract awarded, after due advertisement, to the lowest responsible bidder, and all contractors shall be required to give bonds satisfactory in security and amount.

Bond issue to meet cost.

8. To provide for the payment of the cost and expenses incurred, or to be incurred, for the purchase of lands, rights or interests in lands, or other property or rights, and for the construction of said plant or works, and for engineering, administrative and other expenses connected therewith, such city shall have power, from time to time, to issue corporate bonds in an amount sufficient to pay for the cost of said construction and the purchase of said property. Such bonds

Time.

shall be payable at a time not exceeding fifty years from date, and at such place as the said city may deter-

Rate.

mine, shall bear interest at a rate not exceeding five per centum per annum, payable semi-annually, and in cities having no board or commission in charge of the sewers therein shall be signed by the mayor of the city and shall be sealed with the corporate seal of the city and attested by the clerk, and in case of cities in which there is a board of sewer commissioners shall be executed in the name of such city by the president and secretary of the board of sewer commissioners

Redemption.

and under the seal of said board. Said bonds may be so issued as to make the same, or any part thereof, fall due at stated periods less than fifty years from date of issue, and may reserve therein the option to redeem or pay the same, or any part thereof, at stated periods at any time prior to the date at which they

would otherwise fall due. Such bonds may be either coupon or registered bonds, or partly coupon and partly registered bonds, and all such bonds may be negotiated, sold and disposed of at not less than their par value, and the proceeds thereof shall be used by such cities only for the purposes provided for in this act.

May borrow in anticipation of bond issue.

9. Every city having no board or commission in charge of the sewers therein through its board, commission or body having charge of the finances, and every city having a board or commission in charge of the sewers therein through its board of sewer commissioners may, in anticipation of the issuing of bonds, from time to time, as it may need money, borrow such sum or sums of money, not exceeding at any one time one-third the estimated cost of the whole work, and may issue certificates of indebtedness, promissory notes or other obligations therefor, retiring the same, from time to time, as the bonds hereinbefore authorized to be issued are sold; in order that the said bonds may be retired at maturity. In cities having no board or commission in charge of the sewers therein, the board, commission or body having charge of the finances, and in cities having a board or commission in charge of the sewers therein the board of sewer commissioners shall provide an appropriate and suitable sinking fund, not exceeding in amount to be raised in any one year one per centum of the face value of the bonds issued, which sum shall be raised annually, beginning with the third year after the issuing of the said bonds by a general tax upon the ratables of such city; the money so raised for sinking fund purposes shall be kept in a separate account, and shall in cities having no board or commission in charge of the sewers therein, under the direction of the board, commission or body having charge of the finances, and in cities having a board or commission in charge of the sewers therein under the direction of the board of sewer commissioners, be used or invested, from time to time, in the purchase or retirement of said bonds or in the purchase of securities in which savings banks of this State are authorized to invest.

Sinking fund.

Amount to be raised annually.

10. In cities having no board or commission in charge of the sewers therein, the board, commission or body having charge of the finances, and in cities having a board or commission in charge of the sewers therein the board of sewer commissioners of such city shall annually ascertain the amount of money necessary to be raised for the interest upon such bonds and for such sinking fund, as well as for the operation and maintenance of said plant for the current fiscal year, and the amount thereof, shall be included in the tax levy for such fiscal year, and raised by taxation upon the ratables of the city as other taxes are raised therein.

Bonds not included in limitation of indebtedness.

The amount of any bonds issued under this act shall not be included in any limitation now existing by law upon such municipality as to the amount of bonded indebtedness to be created thereunder, nor shall the annual tax imposed for the operation and maintenance of such plant be counted or included in the limitation as to the maximum tax rate prescribed by law for such city.

May contract with other municipalities to treat sewage.

11. It shall be lawful for any city which has constructed a disposal plant or works under this act to contract with any other municipality for the disposal, treatment and rendition of the sewage of such other municipality upon such terms and conditions as such municipalities may mutually agree upon. It shall be lawful for any two or more municipalities to unite by

Joint plants.

mutual contract in the construction of one plant, or disposal works, for the joint benefit and use of such municipalities, and to that end agree upon, enter into and perform such terms and conditions, respectively, as the board or bodies of such municipalities, respectively, having charge of the sewers therein, may severally approve, and all the provisions of this act relative to powers, proceedings and operations of municipalties acting alone, including the powers of condemnation of lands or rights or interests in lands, are hereby applied to and made available for such municipalities as may unite in one system under mutual contract.

All rights, etc., vested in sewer commissioners.

12. In any city in which there exists a board of sewer commissioners all the powers, rights, duties and

privileges of this act referred to as pertaining to such city, or the governing body thereof, together with the issuance of the bonds herein provided for, shall be vested in said board of sewer commissioners, and the plants for the treatment, disposal or rendering of sewage herein provided for shall be under the entire management and control of said board of sewer commissioners; *provided, however,* that no such bonds shall be issued except by the consent and approval of the board of aldermen, council, or other legislative body of said city, first manifest by a resolution of said board of aldermen, council, or other legislative body for that purpose. Proviso.

13. This act shall not take away or impair any power now conferred by law upon any city, or any officers thereof, in relation to the establishment or maintenance of plants for the treatment, disposal or rending of sewage, but the powers hereby conferred shall be deemed to be cumulative. Powers cumulative.

14. This act shall be deemed and taken to be a public act, and shall take effect immediately.

Approved April 14, 1909.

CHAPTER 98.

An Act authorizing the creation of harbor boards in cities accessible to commerce by water and prescribing their powers and duties.

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

1. In any city of this State accessible to commerce by water, there may be created a board to be known as "The Harbor Board of....." (naming the city), by the adoption of a resolution by the board or body having charge of the finances of any such city. Harbor board in cities.

How appointed. Such board shall be appointed by the board or body having charge of the finances in any such city.

Number. 2. Such board shall consist of four reputable citizens of such city, of undoubted character, who shall be chosen with a view to business skill and efficiency. No more than two members of said board shall belong

Tenure. to the same political party. The members of the first board so as aforesaid appointed shall hold office one for a term of one year, one for a term of two years, one for a term of three years and one for a term of four years, and the members thereafter appointed shall hold office for a term of five years and until their suc-

Oath. cessors are appointed as aforesaid and qualified. Members of such boards shall qualify by taking such oath as shall be required by the municipal charter for other municipal officers, or if no oath is required by charter, then by taking an oath faithfully and impartially to perform the duties of their office.

Officers. 3. The board shall have power to elect a president, to employ a secretary, who shall not be a member of the board, and such other officers or employes as may be necessary, as well as a marine engineer and a harbor master, each of whom shall perform such duties as may be assigned by the board under the direction of the board, and the board shall, subject to appropriation for that purpose from the funds of said city, fix their respective salaries.

Rules and regulations. 4. The board shall have power to make rules and regulations for its own government, and for the regulation of the use of the harbor or river front of the said city by commerce, and the use of the public docks, wharves, piers and warehouses of the said municipality,

Lease docks, etc. and to enforce the same; to obtain and make leases of docks, wharves, piers and warehouses, and receive the rents and income therefrom, and pay the same over to the proper fiscal officer of such municipality, out of which said board may expend such sum for the purposes of carrying out the provisions of this act as the board or body having charge of the finances in

Construct wharves, etc. such municipality shall appropriate; to make plans for the improvement of the harbor or river front of the

said city, the construction of docks, wharves, piers, warehouses, sea-walls, retaining walls, bulkheads and the like, and for the deepening, clearing, widening and protection of the harbor or river front and the maintenance thereof; to buoy and light such harbor or river front and maintain and repair such buoys and lights; to keep such harbor or river front free from obstructions dangerous to navigation, and to do any similar act advantageous to the safe and profitable use of the said harbor or river front by commerce, and the development of the water commerce of the said municipality.

Maintain channel, etc.

5. The said board shall have power to purchase, or otherwise acquire, or to condemn in the name of the said city, according to an act of the Legislature entitled, "An act to regulate the ascertainment and payment of compensation for property condemned or taken for public use" (Revision of 1900), approved March twentieth, nineteen hundred, and the amendments thereof and supplements thereto, any lands on the water front or the said harbor or river necessary for the improvement of the said harbor or river front, the construction of docks, wharves, piers, warehouses, seawalls, bulkheads, driveways and the like, as well as riparian lands, when authorized so to do by the board or body having charge of the finances of said city, subject to appropriation of municipal funds for such purpose, and to improve the same.

Acquire property by condemnation.

6. No contract for any improvement or construction shall be entered into or work begun thereon until plans and specifications therefor shall have been prepared and approved by the board and submitted to and approved by the board or body having charge of the finances of said city, and bids invited and received thereon after advertisement in two or more newspapers of general circulation for a period of ten days, nor until appropriation for the whole or part thereof shall have been made therefor.

Work done by contract.

7. The board or body having charge of the finances of any city creating such a harbor board shall have power to raise funds for the purposes specified in this

Bond issue to meet cost.

act by the issue of bonds or otherwise, subject to the laws of this State governing the amount of bonded indebtedness of such municipalities.

Members not interested in contracts.

8. No member of the said board, nor any person appointed to office under this act shall be financially interested in any contract, bargain, sale or agreement made by or on behalf of the said board, nor in any matter or thing connected therewith, and any contract, bargain, sale or agreement made in violation hereof shall be void as to the said board and the municipality represented by the said board.

Monthly meetings.

9. The board shall meet at least once in each month and as often in addition thereto as may be necessary. Three members of such board shall constitute a quorum for the transaction of any business properly coming before said board; *provided, however,* that notice, in writing, of any matter to be acted upon at any special meeting of said board shall be set forth in the notice of said special meeting, and no other matter except such as is specified in the said notice shall be considered by said board at any such special meeting.

Proviso.

Reports.

10. The board shall, as often as requested, report to the council or other board or body having charge of the finances its proceedings, any work that may be under way, and its progress, the general condition of the harbor or river front, and any other matters pertinent to the work and purposes of the said board and the development of the commerce by water of the said municipality.

Repealer.

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

Approved April 14, 1909.

CHAPTER 99.

A Supplement to an 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*:

Section 2 amended.

1. Section two of an act entitled "An act respecting writs of error" (Revision), approved March twenty-seventh, one thousand eight hundred and seventy-four, be and the same is hereby amended to read as follows:

Time for writ of error.

2. No writ of error shall be brought or allowed on any judgment that shall have been or hereafter may be entered or obtained, unless the same shall be brought and allowed within six months after the judgment rendered in actions affecting the possession of or title to lands, or within one year in other cases; *provided,* where the person entitled to such writ of error be an infant, or insane, he or she shall have one year to bring such writ of error, after such disability shall be removed.

Proviso.

Limitation as to this act.

2. This act shall take effect immediately, but shall not affect the right to a writ of error as it existed under the act to which this is a supplement, upon any judgment entered or obtained prior to the fourteenth day of May, in the year one thousand nine hundred and seven.

Repealer.

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

Approved April 14, 1909.

CHAPTER 100.

A Supplement to an act entitled "An act relating to, regulating and providing for the government of cities," approved April third, one thousand nine hundred and two.

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

Portion of fund for relief of poor distributed thru local agency.

1. In every city which may have adopted, or which may hereafter adopt, the act to which this act is a supplement, is shall be lawful for the city council, by ordinance, to provide that any portion of the sums annually appropriated by said city for the maintenance and relief of the poor of such city may be disbursed for purposes pertaining to immediate relief, through the agency of any duly incorporated society organized for charitable purposes, to be selected by said city council; *provided,* that the charitable society so selected shall add to its distributing board or committee such person as shall be designated by the mayor of such city, and that all bills for supplies and support incurred in such distribution shall be paid by warrants issued by the city comptroller of such city; such distribution to be without expense to such city.

Proviso.

Repealer.

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

Passed April 15, 1909.

CHAPTER 101.

An Act authorizing and directing the board of chosen freeholders of the counties of this State to light with electric lights certain public highways, leading from the main shore and across the meadow to any seaside resort.

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

Freeholders may light certain highways.

1. It shall be lawful for and the board of chosen freeholders of the counties of this State are hereby directed to light with electric lights any public highway, which has, or hereafter shall be constructed, in part by the State and which leads from the main shore and across the meadow to any seaside resort and which is over one mile in length and has two or more bridges constructed thereon; *provided, however,* that no contract for lighting shall be made for a longer period than five years, or without having first advertised for bids for at least two weeks in three or more newspapers published and circulating in said county.

Proviso.

2. This act shall take effect immediately.

Passed April 15, 1909.

CHAPTER 102.

An Act authorizing boards of chosen freeholders of counties of this State to issue and sell bonds for the purpose of providing funds for the acquisition of toll or turnpike roads by purchase or condemnation, and for resurfacing or otherwise improving such roads, and providing for the payment of the principal of and interest on said bonds.

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

Bond issue to acquire and improve turnpikes.

1. The board of chosen freeholders of any county which has heretofore purchased or contracted to pur-

chase, or may hereafter purchase or contract to purchase, any turnpike or toll road, or which has heretofore taken, or may hereafter take, proceedings to acquire any toll or turnpike road by condemnation, or which has heretofore entered into, or may hereafter enter into any contract for the resurfacing or otherwise improving of any turnpike or toll road so purchased or contracted to be purchased, or condemned, may provide for the raising of moneys deemed by such board necessary for any or all of said purposes by the issuance and sale of bonds of said county. Such bonds shall be payable in not more than thirty years from their date, shall bear interest at a rate not exceeding five per centum per annum, payable semi-annually, shall be of such form and denomination and shall be executed by such officers as the said board shall determine, and shall be sold at not less than par, upon bids duly advertised for, and when so issued the full faith and credit of the county shall be pledged for the payment of the same.

Time.

Rate.

Sinking fund.

2. It shall be the duty of the board of chosen freeholders of any county issuing bonds under the authority of this act to establish a sinking fund for the payment of the principal thereof at maturity, and for that purpose to include in the annual appropriations each year, until the maturity of the bonds, a sum not less than two per centum of the par value of the bonds so issued, to be levied and collected with the other taxes of such county, and paid into such sinking fund; and said board of chosen freeholders shall also each year, until the maturity of said bonds, include in their annual appropriations, and cause to be levied and collected with the other taxes of the county, an amount sufficient to pay the interest on said bonds falling due in such year.

Principal and interest raised by tax.

3. This act shall take effect immediately.

Approved April 15, 1909.

CHAPTER 103.

An Act to incorporate the borough of Westville, in the county of Gloucester.

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

Borough of Westville.

1. The inhabitants of that portion of the townships of Deptford and West Deptford, in the county of Gloucester, hereinafter mentioned and described, are hereby constituted and declared to be a body corporate in fact and in law by the name of "The Borough of Westville," and as such 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 a point in the middle of Big Timber creek in range with the northerly line of John Schrufer's land, formerly the George W. Gardiner land; thence (1) westwardly by the said northerly line of said Schrufer's land, and the northerly line of Twedell avenue about four hundred and twenty-five feet to an angle in said northerly line of Twedell avenue; thence (2) southwestwardly along the northwesterly line of Twedell avenue, four hundred and forty-six and forty hundredths feet to the centre of Almonesson avenue; thence (3) northwestwardly, along the centre of said Almonesson avenue about one hundred and eighty-four feet to the centre line of Silver Lake avenue, or the Glassboro stone road; thence (4) southwardly along the centre line of said Silver Lake avenue, or Glassboro stone road, about twelve hundred and fifty feet to the line between Isaac Stephens and Benjamin C. Beideman; thence (5) westwardly along said line seven hundred and twenty-six feet to an angle; thence (6) southwestwardly by land of Benjamin C. Beideman on the south and land formerly of Elizabeth Gethen, William H. Shofield, William Stewart and William Brooks on the north about twelve hundred and fifty feet to a point in range with a lane or road running between lands of Agnes Hoffman and Charles Kesting; thence (7) northwestward-

ly across lands of said William Brooks, crossing the Gloucester turnpike and the West roadway between lands of Charles Kesting et als. on the northeast and Agnes Hoffman et als. on the southwest, and continuing the same course across lands of the estate of Wilson Fitzgerald, deceased, about three thousand four hundred and fifty feet to the middle of Crown Point road; thence (8) eastwardly along the middle of said Crown Point road about three thousand nine hundred feet to the range of the easterly edge of Lake Martha; thence (9) northerly along the easterly edge of said Lake Martha about three thousand and three hundred feet to the river Delaware; thence (10) up said river Delaware to the middle of Big Timber creek, aforesaid; thence (11) up the middle of said Big Timber creek, the several courses and distances thereof, to the place of beginning.

Proviso; referendum.

3. This act shall take effect immediately; *provided*, it shall not operate to affect the incorporation of the territory above described as a borough of this State until it shall have been accepted by a vote of a majority of the legal voters included in said territory residing in the townships of Deptford and West Deptford, respectively, voting separately in each township thereon at a special election to be held within said districts in each township respectively within thirty days from the approval of this act, and within the hours of six A. M. and seven P. M. of the day fixed for the election, at places within said territory, to be fixed by the clerk of said townships of Deptford and West Deptford, respectively. The clerks of said townships of Deptford and West Deptford shall each cause public notice of the time and place of holding such elections to be given by advertisements signed and set up in at least ten public places within said districts in the respective townships and published in one or more newspapers printed or circulating therein at least ten 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 printed the word "for" and

Special election.

Notice given.

Ballots.

the word "against" above and immediately preceding the title of this act; and if the word "for" be marked off or defaced upon the ballot it shall be counted as a vote against the acceptance of said act; if the word "against" is marked off or defaced upon the ballot it shall be counted as a vote in favor of the acceptance thereof; and in case neither the word "for" or the word "against" be marked off or defaced upon the ballot it shall not be counted either as a vote for or against such acceptance. Such election shall be held at the time and place so appointed, and be conducted by the officers of the election district of the said respective townships, except that no special form of ballot or envelope need be used. The officers holding such election shall make return to the township committees of said townships of Deptford and West Deptford, respectively, of the result thereof by a statement, in writing, under their hands, and the same shall be entered at length on the minutes of said township committees; and thereupon and upon such adoption by a majority of the legal voters of each of the said districts so voting separately but not otherwise, this act shall in all respects be operative.

Election, by whom conducted.

Returns.

4. The registers of voters of the voters within said districts respectively used at the general election next preceding the holding of such special election shall be used for the purpose of conducting such special election. It shall not be necessary for the board of registry and election conducting said election in said districts respectively to make a new registry of voters for such special election, but only to revise and correct the registers made for the last general election, and for that purpose the said boards shall meet at such place within said districts respectively as shall be designated by the clerk of said townships respectively at least one week next preceding said election. Notice of the place so designated shall be given by the clerk of the townships respectively by posting in at least five of the most public places in said district. Said meetings of the said boards of registry and election in their respective townships shall begin at one o'clock

Register of voters.

Register revised.

in the afternoon and continue until nine o'clock in the evening of that day for the purpose of revising and correcting the register and adding thereto the names of all persons entitled to vote within said district at said special election, who shall appear in person before them and establish to the satisfaction of the majority of the board that they are entitled to vote at said election, or who shall be sworn by a written affidavit of a voter residing in the said district to be entitled so to vote. A separate affidavit shall be required for each person so registered, which shall contain the address of the affiant and shall be signed by him; and on the following day one copy thereof shall be delivered to the chairman of the county board of elections of Gloucester county, to be filed by said boards, and one copy shall be retained for use by the said board of elections respectively at such special elections.

Affidavits.

Statement of results filed.

5. Immediately after the statement of the result of such election shall be made to the township committees of said townships of Deptford and West Deptford respectively a copy thereof, certified to by their respective clerks, shall be forthwith filed in the office of the county clerk of said county of Gloucester.

Approved April 15, 1909.

CHAPTER 104.

An Act to authorize traction and other companies owning, leasing or operating street railways to carry freight and express matter thereon.

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

Street car companies may carry freight and express matter.

1. It shall be lawful for any traction company or other company owning, leasing or operating any street railroad in this State to receive and carry over such street railroad freight and express matter for hire and

to deliver the same to parties entitled thereto; *provided,* that it shall not be lawful to transport freight and express matter in any municipality having a population exceeding twelve thousand between the hours of six o'clock A. M. and eleven o'clock P. M., except with the consent and upon such streets as the governing body of such municipality may by ordinance prescribe; and such municipality may prescribe reasonable regulations for the use and operation of cars used in carrying freight and express matter upon the streets of the municipality at all hours; *and provided further,* that nothing in this act shall be held to give to any street railway company, traction company or other company owning or operating a street or trolley railway company, whatever the motive power may be, any perpetual franchise; *and provided further,* that all rights and privileges hereby granted shall be subject to all the provisions of law with relation to taxation, including franchise taxes, now or hereafter applicable to any street railway company, traction company or other company having the right to use the streets of any municipality under any State or local law or ordinance; *and provided further,* that nothing in this act shall be deemed to enlarge the provisions of any act which limits the length of time for which franchises may be granted to any street railway company, traction company or other like company; and nothing in this act shall be deemed to restrict or impair the right of the State to alter, modify or repeal this act.

Proviso.

Proviso.

Proviso.

Proviso.

Right of State not impaired.

2. This act shall take effect immediately.

Approved April 15, 1909.

CHAPTER 105.

A Supplement to an act entitled "An act to provide for the purification of the waters of the Passaic river within the Passaic valley sewerage district, prohibiting the discharge of sewage or other polluting matter into said portion of said river after a fixed date, and authorizing municipalities lying in whole or in part within the Passaic valley sewerage district, from the territory of which sewage or other polluting matter is or may be discharged into said portion of said river, to enter into contracts with each other and with the Passaic Valley Sewerage Commissioners for the intercepting and disposal of such sewage and other polluting matter and to provide the necessary funds therefor," approved March eighteenth, one thousand nine hundred and seven.

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

Municipalities may advance moneys to commission.

1. The governing body or board having charge of the finances of any municipality or municipalities lying in whole or in part within the Passaic valley sewerage district may, at its discretion, by resolution, agree to advance and pay to the Passaic Valley Sewerage Commissioners, for the use of said Commissioners, for further investigations and the preparation of detail plans and specifications, moneys in installments or otherwise,

Amount.

not to exceed sixty thousand dollars by any one municipality, and not to exceed one hundred and fifty thousand dollars in all, and each of said municipalities is authorized to appropriate and pay said moneys so to be advanced and paid from any fund or balance not

Issue bonds for the loan.

otherwise appropriated, and is also further authorized to raise by temporary loans, notes or bonds, the said sums so to be advanced and paid by said municipality or municipalities to the Passaic Valley Sewerage Com-

Repayment.

missioners, which sum or sums shall be repaid to the said municipalities with interest at the rate of five per centum per annum by the Passaic Valley Sewerage Commissioners, when the contract has been entered

into for the building of the said sewer, sewers, plant or works, provided for in the act to which this is a supplement.

2. This act shall take effect immediately.

Approved April 15, 1909.

CHAPTER 106.

An Act to amend an act entitled "A further supplement to an act entitled 'An act to regulate elections' (Revision of 1898), approved April fourth, one thousand eight hundred and ninety-eight," approved April fourteenth, one thousand nine hundred and three.

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

Section 6 amended.

1. Section six of the act referred to in the title of this act is hereby amended to read as follows:

City and county committees elected at primary elections.

6. In any county in this State the county or city committee of any political party shall be hereafter elected at the primary elections herein provided for, and the members of such county or city committee shall be elected by election districts at such primary elections in the manner provided in this act for the selection of party candidates to be voted for by the voters of a single ward or township; and the chairman of each county or city committee shall, on or before the first day of July in each year, file with the clerks of the several municipalities the number of committeemen to be elected to such county or city committee in each year, as provided by the constitution or by-laws of such committee.

Repealer.

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

Approved April 15, 1909.

CHAPTER 107.

An Act to amend an act entitled "A further supplement to an act entitled 'An act to regulate elections' (Revision of 1898), approved April fourth, one thousand eight hundred and ninety-eight," approved April fourteenth, one thousand nine hundred and three.

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

Section 2 amended.

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

General plan.

2. The general scheme and purpose of this act shall be as follows: The said primary elections shall hereafter be conducted at public expense; such primary elections for all political parties shall be held at the same time and place; the time shall be the first registry day, as hereinafter fixed, and the places shall be the places of holding the said registry in the fall of each year; and said primary elections shall be conducted by the boards of registry and election in a manner hereinafter provided, from one o'clock until nine o'clock P. M., and substantially as general elections for members of assembly are now conducted, with official ballots, ballot-boxes, registry lists and polling booths. The first registry day in cities having a population exceeding thirty thousand shall be held on the fourth Tuesday of September in each year, except that in each year when a governor is to be elected said first registry day shall be the second Tuesday in September, and in all election districts outside of cities having a population exceeding thirty thousand, the said boards of registry and election shall sit, for the purposes of this act, as primary election boards on the second or fourth Tuesday of September. The clerk of the city, town, township, borough or other municipality, as the case may be, shall prepare the primary ballots of all political parties from the petition filed in their respective offices as herein provided. Not less than ten (except as hereinafter provided) voters of any political party may file

Time and place.

How conducted.

Registration.

Primary ballots.

Petition for candidates.

with the municipal clerk of their municipality a petition endorsing any member of their political party as a candidate for the nomination of said party to public office, where such nomination is to be made at the primary election, or as a candidate for the position of delegate to a political convention of said party, where the party nomination is to be made by convention, and requesting that the name of the person so endorsed be printed upon the official primary ballot of such political party. The said municipal clerks shall prepare official ballots for each political party for the said primary elections from the names of the persons so endorsed, arranging them alphabetically, or in groups, as hereinafter provided. The municipal clerk shall also print upon the official ballot, opposite the name of any person endorsed as a candidate for the position of delegate, the name of the person who is the choice of such candidate for nomination at the ensuing convention of his political party, whenever said clerk is requested so to do by said candidate, except as hereinafter provided. The ballots so prepared for each political party shall be the only ballots permitted to be voted at the primary elections. At such primary election the voters registered, or who thereupon register for the ensuing general election, shall be qualified to vote at such primary. Each voter shall request the party ticket he desires to vote, and thereupon he shall receive from the board of registry and election an official ballot of said political party prepared as aforesaid, and no other. The voter shall then retire to the voting booth and there prepare his ballot so as to indicate his choice for the candidates of his party to be there nominated, or his choice for delegates to the political convention of his political party, as the case may be, by erasing all names thereon other than those voted for, and shall then deposit said ballot in the ballot-box of his party, unless challenged, and if challenged, make oath that he is a member of the said political party; that at the last election for members of assembly at which he voted he voted for a majority of the candidates whose names were printed upon the party ticket of the said party, and intends to support

Official ballots prepared by municipal clerks.

Who may vote.

Voter to prepare his ballot.

Challenges.

the candidates of the said party at the ensuing election. In the case of any voter voting for the first time in this State the portion of the said oath or affirmation in reference to previous voting shall be dispensed with. Any voter who shall be shown by the primary book hereinafter mentioned to have voted in the ballot-box of one political party at any primary election held under this act shall not be allowed to vote in the ballot-box of any other political party at the next thereafter succeeding primary election. In addition to the registry lists hereinbefore provided, there shall also be kept two books or lists, one for each political party, which shall be called and labeled Republican Primary Book, and Democratic Primary Book, or as the case may be; the board of registry and elections shall cause the name of each voter at said primary to be written in ink, in the primary book of the party in whose ballot-box his vote is deposited. Each of these primary books shall be signed by the members of the board of registry and elections and delivered by said board to the clerk of the municipality at the time of the delivery of the ballot-boxes; said primary books shall be kept by said clerk until the ensuing primary election, and then delivered by him to the board of registry and elections for use at such ensuing election. At any primary election the members of the board conducting the primary election for each political party shall refuse to receive the vote of any voter offering to vote in the ballot-box of their political party, if the name of such voter appears in the primary book of the other political party as made up at the next previous primary election. The said primary books shall be kept by the municipal clerk subject to public inspection, and any voter whose name appears therein may apply to the judge holding the circuit court for his county, at any time prior to the next primary election to have his name stricken from said book; and said judge shall have power to hear said application in a summary way, at such time and upon such notice to such persons as he may prescribe, and if satisfied that the applying voter's name has been improperly placed on said primary book, said judge

Voter may not vote in other box at next election.

Party primary books.

Voter's name must appear in previous primary book.

Primary books open to inspection.

Its correction.

may make an order directing the municipal clerk to erase said name from said primary book, and said clerk shall thereupon erase the same.

Section 13 amended.

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

Primary elections conducted by boards of registry and elections.

13. The boards of registry and election appointed by the county boards of registry to conduct the registry under the act to which this act is a supplement, and the poll clerks appointed by such boards of registry and election shall, in their respective election districts, hold and conduct the primary election herein provided for. Such primary elections shall be held annually on the fourth Tuesday in September preceding the annual election for members of Assembly, except that in each year when a Governor is to be elected said primary elections shall be held on the second Tuesday of September, and shall, as nearly as may be, except as herein provided, be in all respects held and conducted as elections for members of the General Assembly are held and conducted. The two members of such board appointed from the political party which at the last preceding general election cast the largest number of votes in their county shall conduct the primary election of such party, having sole charge of the ballot-boxes of said party, and delivering, receiving and depositing the official ballots voted by members of such party, and having the sole right to challenge the voters offering to vote the ticket of such party as in this act provided; and the members of said board appointed from the political party casting the next largest number of votes in said county at said election shall, in like manner, conduct the primary election of such political party. All of the members of said board of registry and election shall conduct the primary election of any other political party holding a primary election under this act, and shall also ascertain and certify to the result of the primary election of all political parties holding primary elections under this act in the manner herein provided in section fifteen; *provided*, that before proceeding with such election each of the four members of the board of registry and election shall take and subscribe an oath

When held.

Charge of ballot-boxes.

All election officers to act.

Proviso; oath.

to be administered by any duly qualified person, or by one member of the board to the others, that they and each of them will, to the best of his understanding and ability, conduct such primary election honestly and in accordance with law; that they will challenge, in the manner provided in this act, the vote of any person offering to vote at such election whom they believe not entitled to vote thereat, and that they will also challenge the vote of any person at such election offering to vote in the ballot-box of one existing political party, whom they believe, or have reason to believe to belong to another existing political party, and that they will refuse to receive the vote of such person, in case such vote is challenged, until he shall have taken an oath or affirmation, to be administered by a member of the board in the form prescribed in section seventy-four (74) of the act to which this act is a further supplement, and also in the following form:

Right to challenge.

Form of oath in challenge.

"You do solemnly swear (or affirm) that you are a member of the ———— political party (specifying the political party to which the affiant claims to belong); that at the last election for members of the General Assembly at which you voted you voted for a majority of the candidates of said party whose names were printed on the ticket of said party, and that you intend to support the candidates of said party at the ensuing election." In the case of voters voting for the first time in this State the portion of said oath or affirmation in relation to voting at any previous election shall be dispensed with; and if the person so challenged shall refuse to take the oath or affirmation so tendered to him he shall be deemed not to be qualified or entitled to vote at such primary election. Any person making such oath or affirmation falsely shall be guilty of perjury. Any voter who shall be shown by the primary book hereinafter provided to have voted in the ballot-box of one political party at any primary election held under this act shall not be allowed to vote in the ballot-box of any other political party at the next thereafter succeeding primary election. In addition to the registry lists hereinbefore provided, there shall also be kept

Perjury.

Voter not to vote in box of other party at next election.

two books or lists, one for each political party, which shall be called and labeled Republican Primary Book, and Democratic Primary Book, or as the case may be; the board of registry and elections shall cause the name of each voter at said primary to be written in ink, in the primary book of the party in whose ballot-box his vote is deposited; each of these primary books shall be signed by the members of the board of registry and elections and delivered by said board to the clerk of the municipality at the time of delivery of the ballot-boxes; said primary books shall be kept by said clerk until the ensuing primary election, and then delivered by him to the board of registry and elections for use at such ensuing election. At any primary election the members of the board conducting the primary election for each political party shall refuse to receive the vote of any voter offering to vote in the ballot-box of their political party, if the name of such voter appears in the primary book of the other political party as made up at the next previous primary election. The said primary books shall be kept by the municipal clerk subject to public inspection, and any voter whose name appears therein may apply to the judge holding the circuit court for his county, at any time prior to the next primary election to have his name stricken from said book; and said judge shall have power to hear said application in a summary way, at such time and upon such notice to such persons as he may prescribe, and if satisfied that the applying voter's name has been improperly placed on said primary book, said judge may make an order directing the municipal clerk to erase said name from said primary book, and said clerk shall thereupon erase the same. At said primary election the polls shall be open at one o'clock in the afternoon and close at nine o'clock in the evening. Notice of the time and place of holding such primary elections shall be given by the poll clerks by five or more advertisements posted at conspicuous places in the election district at least ten days before such primary elections.

Party primary books.

Voter's name must appear in previous primary book.

Books open to inspection.

Its correction.

Polls open.

Notice of primaries.

Approved April 15, 1909.

CHAPTER 108.

An Act in relation to the appointment of members of the boards of assessment and revision of taxes in the cities of this State and fixing the salary of the same.

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

Board of assessment and revision of taxes.

1. Where in any of the cities of the first class of this State boards exist having the control of the assessment and revision of taxes, and the duties of assessment and revision are imposed upon the same board or body, the members of such board may, at the discretion of the mayor and common council or other governing body of such city, be hereafter selected and appointed as follows: At the expiration of the term of office of any member or members of such board, the mayor of such city may nominate, and, by and with the advice and consent of the said council or other governing body, appoint one or more members to fill the vacancy or vacancies so occasioned, and continue to so nominate and appoint until all the members of the said boards are in this manner chosen and appointed; and the term of office of the persons so appointed shall be so arranged that the term of one member shall expire each year, and thereafter the term of office of each member so appointed shall be five years; and the annual salaries of such officers shall be the sum of twenty-five hundred dollars, payable in equal monthly installments; *provided,* that this act shall not apply to any city that by popular vote has accepted the provisions of the act approved April sixth, one thousand eight hundred and eighty-nine, entitled "An act concerning the government of cities of this State."

How chosen.

Terms.

Proviso.

Qualifications, powers, etc.

2. The qualifications, powers and duties of the said board and the members thereof so appointed shall be the same as those now required from, conferred or imposed on boards for the assessment and revision of taxes and the members thereof in the city or cities in

and for which the members of said boards are or may be so appointed.

Parties recognized.

3. In nominating and appointing the members of the said boards under the authority of this act, the appointment so made shall be made, as near as may be, both as to number and term of service, from the political parties casting the largest number of votes at the last preceding municipal election.

Vacancies.

4. Vacancies which may happen for any cause during the term of any member so appointed may be filled in the manner herein provided for the unexpired term, and the members so appointed to fill any such vacancy shall have the same qualifications and be selected from the same party as the member for whose unexpired term he is appointed.

Full term.

5. If for any cause a vacancy may happen in the term or terms of any member or members of the said board now in office, such vacancy or vacancies may be filled in the manner herein provided, and in every such case the appointment so made shall be deemed and taken as an original appointment under this act, to the same extent as if the appointment had been made at the expiration of the terms of office of the member or members so appointed.

Repealer.

6. Where in any city members of the said board are or may be appointed in the manner herein provided, no other method of appointment or selection shall be lawful therein, and that all acts and parts of acts inconsistent with this be and they are hereby repealed, and that this act shall take effect immediately.

Approved April 15, 1909.

CHAPTER 109.

An Act to secure in this State the certification of births and deaths, and of the vital facts relating thereto, and to provide for the record thereof. (Revision of 1909.)

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

Report births.

1. It shall be the duty of the physician or midwife present at the birth of any child born in this State, or in case of the death or disability of any such physician or midwife, then it shall be the duty of either of the parents of any child born in this State, to transmit, within five days after such birth, to the officer hereinafter designated, a certificate of such birth, which certificate shall set forth particularly, as far as can be obtained, the date of the birth, the township, city or municipality, and the county, in which the birth occurred, the name of the father, the maiden name of the mother, the birth-place, residence, occupation, age and color of each of the parents, the sex and color of the child, the name of the child if it be named, and the name of the attending physician or midwife, if any there be. Any physician, midwife or parent whose duty it may be to transmit such certificate as aforesaid, and who shall neglect or fail to perform such duty within the time above limited, shall be liable to a penalty of fifty dollars; and the assessor of any township, or the clerk or person acting as registrar of vital statistics in any city, borough, town or other local municipal government in this State, who shall ascertain that any physician, midwife or parent has neglected or failed to perform such duty as foresaid, within the time above limited, shall forthwith make and sign a certificate setting forth the particulars herein above specified, and shall mark the same with the words "special return," but no such certificate of the assessor, clerk or registrar, shall release any physician or midwife, or any parent, from the duty of certifying such birth in the manner aforesaid nor for the penalty

Certificate to set out certain par-

Penalty for not reporting.

Special returns by certain officials.

incurred by any neglect or failure to certify such birth.

Report of death.

2. When any person shall die within this State, it shall be the duty of the physician, who shall have attended such person during his or her last sickness, to furnish to the undertaker, or any member of the family of the decedent applying therefor, a certificate of such death over his own signature, which certificate shall set forth particularly, to the best of such physician's knowledge, the name, age, sex, color, nativity, occupation, conjugal condition, last place of residence of the decedent, the names and country of birth of each of the parents of the decedent, the township, city or municipality and the county within which the death occurred, the date of death, the cause of death, and the length of sickness. If no physician shall have attended such deceased person during his or her last sickness, or if the physician who shall have attended such deceased person shall be absent or sick, so that no certificate of death can be obtained from him in time for burial, then and in either of such cases it shall be lawful for any physician to whom application may be made, after having viewed and examined the dead body, and being satisfied that the deceased person did not come to his or her death by the contrivance, aiding, procuring or other misconduct of any person or persons, to furnish such certificate as aforesaid. In case the attending physician, or the physician applied to as aforesaid, after having consented to act upon such applicaton and having viewed and examined the dead body, shall refuse to furnish such certificate as aforesaid, except upon the ground aforesaid, he shall be liable to a penalty of fifty dollars; and if any physician shall refuse to furnish such certificate as aforesaid, upon the ground aforesaid, the same proceedings shall be had as are provided by law for the investigation of the cause of violent, sudden or casual deaths, and the physician or officer who shall conduct such investigation shall furnish such certificate of death as aforesaid.

Certificate to state certain facts.

In absence of physician.

Penalty.

With whom certificates of birth filed.

3. Every certificate of birth required to be made by this act shall, in any city, borough, town or other local municipal government, be transmitted to the local

registrar of vital statistics if there be such officer, and if not, then to the clerk of the city, borough, town or other local municipal government in which such birth shall occur; and in any township every such certificate shall be transmitted to the assessor of the township in which such birth shall occur, or if there be no assessor in office, then to the township clerk.

Filing death certificates.

4. Every certificate of death required to be made by the second section of this act shall where the death occurs within any city, borough, town or other local municipal government, be delivered to the registrar of vital statistics of such city, borough, town or other local municipal government, if there be such officer, and if there be no such officer, then to the clerk thereof, and said registrar or clerk shall thereupon issue a permit for the burial of the body of the deceased person described in said certificate of death, and shall forthwith give said permit to the person delivering to him the certificate of death, which permit shall be authority for the burial of such body, but the said certificate of death shall be retained by the registrar or other person issuing the burial permit to be transmitted to the State Bureau of Vital Statistics as hereinafter directed. Where the death occurs within any township and the burial is to be made in any place in this State not within the limits of any city, borough, town or other local municipal government, every certificate of such death which shall be furnished, as provided for in section two of this act, to the undertaker, or other person acting as undertaker, shall of itself constitute a sufficient authority for such burial; and where the death occurs within any township and the burial is to be made within the limits of any city, borough, town or other local municipal government of this State, every certificate of such death shall be delivered to the assessor of such township, if there be one in office, or if there be no assessor in office, then to the clerk of such township, which assessor or clerk shall thereupon issue a permit for the burial of the body of the deceased person described in such certificate of death, and shall give said permit to the person deliver-

Permit for burial.

Deaths in townships.

ing to him the certificate of death, and shall retain the certificate of death, to be transmitted to the State Bureau of Vital Statistics as hereinafter provided; *provided,* that when a death shall occur within any township, and the burial is to be made within the limits of any city, borough, town or other local municipal government of this State, the certificate of any such death may be delivered, if it be more convenient, by the undertaker or person acting as undertaker, to the registrar of vital statistics, if there be such officer, or if there be no such officer, then to the clerk of the city, borough, town or other local municipal government within which such undertaker or person acting as undertaker may reside, or within which the burial is to be made, but in all such cases it shall be the duty of such undertaker or person acting as undertaker, to deliver with said certificate of death, in writing, to such registrar or clerk, the name and post office address of the assessor, if there be such officer, and if there be none, then to the clerk of the township in which the death shall have occurred, and also the sum of two cents to pay for postage, and said registrar or clerk shall immediately issue a permit for burial as in other cases, and shall immediately transmit such certificate by mail to the assessor or clerk whose name and post office address shall have been furnished as aforesaid, and for any neglect or failure so to transmit such certificate, such registrar or clerk shall be liable to a penalty of fifty dollars.

Proviso.

Undertaker may deliver certificate.

Permit issued.

Penalty.

5. In case where, on account of the absence of the registrar of vital statistics or the clerk of any city, borough, town or other local municipal government, or for any other sufficient reason, it may be impossible to obtain from such registrar or clerk a permit in time for burial, it shall be lawful for any judge of the Court of Common Pleas or any justice of the peace of the county in which the death occurred, on presentation of the certificate of death to him, and being satisfied that such certificate is genuine, and that no permit can be obtained in time for burial from the clerk aforesaid,

In absence of proper officials, issuance of permits.

Special permit for burial.

to issue a special permit for burial in the following form; "It being impossible to obtain a burial permit from the registrar of vital statistics or the clerk of the (stating here the name of the city, borough, town or other local municipal government), on account of (state here the reason), I, a judge of the Court of Common Pleas (or justice of the peace) of the county of..... .....do hereby grant this special permit for the burial of....., whose death has been duly certified to me," which permit shall be dated and signed by such judge or justice; the said judge or justice shall give the permit to the person delivering to him the certificate of death, and shall, within five days thereafter transmit the certificate, by mail, to the State Bureau of Vital Statistics, at Trenton. The judge or justice who shall issue any such permit shall be entitled to charge and receive from the person presenting to him such certificate of death the sum of fifty cents.

Fee.

Record of interments kept by cemetery companies.

6. It shall be the duty of every cemetery company incorporated under any law of this State to make and keep a record of all interments made in any cemetery owned or conducted by any such company, and it shall also be the duty of the owner or owners of every other cemetery in which burial places for dead human bodies are sold to make and keep a record of all interments made in any such cemetery, and said record shall contain and include the name of every person interred, last place of residence of the deceased, and the name of the undertaker, or person acting as undertaker; said record shall be a public record, and at all times open to the inspection of any persons who, under any of the laws of this State, shall have duties imposed upon them relating to the procurement or tabulation of vital statistics.

Books open to inspection.

Undertakers must transmit death certificates.

7. It shall be the duty of every undertaker in this State, and of every person acting as undertaker in this State, to transmit by mail or otherwise to the assessor of the township, or, if there be no assessor, then to the clerk of the township, within two days after burial, the certificate of death which he may have received and used as a burial permit in the case of any person who shall have died in such township, or of any person

who shall have died out of this State and been buried in such township, and if he shall neglect or fail so to do, he shall be liable to a penalty of fifty dollars; and any undertaker, or person acting as undertaker, who shall bury, deposit in a vault or tomb, or cremate within this State the body of any deceased person without having first received a permit for burial, according to the true intent and meaning of this act, and any clerk who shall sign any permit for burial and deliver the same, or knowingly suffer it to be delivered, to any undertaker or other person without having first received a certificate of death, according to the true intent and meaning of this act, shall be liable to a penalty of fifty dollars. All burial permits issued by any registrar of vital statistics, assessor of a township, clerk of a city, borough or other municipal government shall be delivered by the undertaker, or person acting as undertaker, to the keeper of the cemetery in which the burial shall be made.

Penalty.

Death certificate must precede burial permit.

Burial permits delivered to keeper of cemetery.

8. Any physician, midwife or other person who shall knowingly make any false certificate of birth or death shall be liable to a fine not exceeding one hundred dollars.

Penalty for false birth or death certificates.

9. It shall be the duty of the assessor and clerk of every township and of the registrar of vital statistics and the clerk of every city, borough, town, and of the clerk of every county board of health and vital statistics, or other local municipal government in this State, on or before the tenth day of each calendar month, to transmit by mail, express or messenger, to the State Bureau of Vital Statistics, at Trenton, in an envelope or package marked "Vital Statistics," all the certificates of births and deaths received by such officer, which certificates and returns it shall be the duty of every such officer to receive for such transmission, and every such assessor, registrar or clerk upon receiving a certificate from the medical superintendent of said bureau of the whole number of certificates of births and deaths transmitted as aforesaid, shall be entitled to receive from the proper disbursing officer of the township, city, borough, town, county or other local muni-

Monthly returns by local officers to state.

Fee for transmission.

cipal government in which such assessor, registrar or clerk shall be an officer, the sum of twenty cents for each birth and death certificate so transmitted, the receipt for which shall be attached to the said certificate of the said medical superintendent and no payment shall be made unless such certificate be produced, and no credit shall be given or certificate issued by the said medical superintendent to any such assessor, registrar or clerk for any certificate of birth or death which is mailed or otherwise transmitted later than ten days after the end of the calendar month in which the birth or death occurred; *provided,* that in any city the board or body having charge or control of the finances may, in lieu of fees, provide that officers performing the above service shall receive therefor a stated or fixed compensation to be determined by such board or body.

Proviso.

Penalty for failure to transmit proper certificates.

Any assessor or clerk of a township, or registrar of vital statistics, or clerk of a city, borough, town, county or other local municipal government in this State, who shall neglect or fail to transmit, as provided for in this section, to the State Bureau of Vital Statistics, at Trenton, on or before the tenth day of each calendar month, all certificates of births and deaths of the previous calendar month in his possession shall be liable to a penalty of fifty dollars.

All certificates indexed, etc.

10. It shall be the duty of the medical superintendent of the State Bureau of Vital Statistics to cause the certificates of births and deaths received by said bureau pursuant to the provisions of this act, to be alphabetically indexed, and in connection with said index to cause to be transcribed or otherwise recorded from said certificates such of the vital facts appearing thereon as the State Bureau of Vital Statistics may deem necessary and useful. The certificates of births and of deaths, with said record of vital facts, shall be kept separate and distinct from one another, and shall be so tabulated as to present in separate and distinct classes the record of each county, city or other municipality of over five thousand inhabitants, which record thus prepared and classified shall be preserved as a public record in the office of the State Bureau of Vital

Classification.

Statistics, and the original certificate shall be preserved in the archives of the said State Bureau of Vital Statistics. Any such original certificate, or any copy thereof, certified to be a true copy under the hand of said medical superintendent, shall be received in evidence in any court of this State to prove the facts therein contained.

Certified copies in evidence.

11. It shall be the duty of the State Bureau of Vital Statistics to cause to be prepared blank forms of certificates of births and deaths and of burial permits, corresponding to the requirements of this act, which forms, together with such sections of this law and such instructions and explanations thereof as the said bureau may deem useful to persons having duties to perform under this act, shall be printed and supplied in the same manner as the blanks and stationery for the use of the several departments and public offices of the State government are printed and supplied, and shall be distributed from time to time, as occasion may require, by said bureau amongst the assessors of townships and the registrars and clerks of the cities, boroughs, towns and other local municipal governments of this State, and all certificates of births and deaths required to be made under this act shall be written upon the said blanks.

Blanks prepared and supplied.

12. The medical superintendent of the Bureau of Vital Statistics of this State is hereby authorized to have an official seal, and to demand and receive for the services hereinafter mentioned the following fees, and no more, to wit: for every search made in the office of said bureau for the record of any vital certificate, the sum of fifty cents for each year searched, and for every certificate of said superintendent appended thereto, the sum of fifty cents. Said superintendent shall keep a true record and account of all fees received under the provisions of this act, and shall pay the same monthly into the treasury of this State; *provided, however,* that no fees shall be charged for certificates furnished in proof for pension.

Official seal.

Fees for searches.

Proviso.

13. Any certificate of birth or death filed in the office of the State Bureau of Vital Statistics may be

Correction of certificates.

corrected in the case of death by the last professional attendant of the decedent or by the coroner who viewed the remains, and in the case of birth by the parents or by the physician or midwife present.

Recovery of penalties.

14. Any penalty incurred under any of the provisons of this act may be recovered, with costs, in an action of debt in the name of the local board of health of the municipality where the birth or death occurred or in the name of the Board of Health of the State of New Jersey.

Boards of health not affected.

15. Nothing in this act shall interfere with the reception, recording and transmission of certificates of births and deaths by any board of health now or hereafter established in this State.

Transportation of bodies across State not affected.

16. Nothing in this act contained shall be construed to repeal, affect or impair the provisions of an act of the Legislature of this State entitled "An act concerning the transportation of dead human bodies across or within this State," passed March twenty-third, one thousand nine hundred, except such provisions in said act as may be inconsistent with the provisions of this act, but said act shall continue in force as if this act had not been passed.

Unconstitutionality of section not to affect other portion of act.

17. In case for any reason any section or any provisions of this act shall be questioned in any court, and shall be held to be unconstitutional or invalid, the same shall not be held to affect any other section or provision of this act.

Repealer.

Effective.

18. All acts and parts of acts inconsistent herewith are hereby repealed and this act shall take effect October first, Anno Domini one thousand nine hundred and nine.

Approved April 16, 1909.

CHAPTER 110.

An Act to provide for the laying out, constructing and maintaining a drive to be known as "Henry Hudson Drive," along the Hudson river, in the Palisades Interstate Park, to commemorate the tercentenary of the discovery of the Hudson river by Henry Hudson.

Preamble.

WHEREAS, By an act of the Legislature of New Jersey a Board of Commissioners known as "Commissioners of the Palisades Interstate Park" was created, the duties of which commission being to establish, in conjunction with the State of New York, a park along the front of the Palisades on the Hudson River, from Fort Lee, in New Jersey, to the termination of the Palisades in New York, and thereby preserve the scenic beauty of the Palisades; and

WHEREAS, The said Palisades, eleven miles of which are in the State of New Jersey and one mile in the State of New York, have been preserved and the said park established along the Hudson river; and whereas, the New Jersey commission, in conjunction with a like New York commission, has received for this purpose sixty-seven thousand five hundred dollars from the State of New Jersey; four hundred and seventeen thousand dollars from the State of New York and one hundred and thirty-nine thousand five hundred dollars from private individuals; and

WHEREAS, The State of New York is preparing suitably and elaborately to celebrate the tercentenary of the discovery of the Hudson river by Henry Hudson; and whereas, it is fitting that the State of New Jersey should likewise commemorate this event in an appropriate manner; therefore,

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

Construct driveway and spurs.

1. The Commissioners of the Palisades Interstate Park are hereby authorized and directed to lay out,

construct and maintain a drive through the said Palisades Interstate Park, said drive to be known as the "Henry Hudson Drive," and also suitable spurs to connect said Henry Hudson Drive with the river and the top of the Palisades cliffs.

Expenditures.

2. Said commissioners of the Palisades Interstate Park are hereby authorized to receive and spend for the purpose herein set forth any gifts, contributions or bequests.

3. This act shall take effect immediately.

Approved April 16, 1909.

CHAPTER 111.

A Supplement to an act entitled "An act respecting the burial of the bodies of honorably discharged soldiers, sailors and marines, the marking of their graves with suitable headstones and the care and preservation of their graves," approved March twentieth, one thousand nine hundred and two.

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

Decoration of graves on Memorial day by county authorities.

1. It shall be the duty of the authority or person designated under section one of the act to which this is a supplement annually, on the thirtieth day of May, known as Decoration Day, or as near to said day as possible, to decorate, or cause to be decorated with suitable flags and flowers, the graves or plots in which, under the provisions of said act, are interred the bodies of the persons designated in said act as "veterans," and the expense of carrying out the provisions of this act shall be borne and paid by the county in which such "veterans" are buried, and the Board of Freeholders of the several counties of this State shall annually place in the tax levy a sum sufficient for the purposes herein mentioned.

2. This act shall take effect immediately.

Approved April 16, 1909.

CHAPTER 112.

A Supplement to an act entitled "An act relative to the compensation of prosecutors of the pleas in certain counties in this State," approved March sixth, one thousand nine hundred.

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

Salary of prosecutors in certain counties.

1. Whenever the population of any county bordering on the Atlantic ocean in this State, as ascertained by any State or Federal census, is more than seventeen thousand and not more than twenty thousand, the prosecutor of the pleas of such county shall receive an annual salary of twelve hundred dollars; such salary shall be payable in monthly instalments in lieu of all fees, which fees shall be paid into the county treasury.

2. This act shall take effect immediately.

Approved April 16, 1909.

CHAPTER 113.

A Supplement to an act entitled "An act for the punishment of crimes" (Revision of 1898), 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*:

Unlawful possession of explosives.

1. Any person who shall have in his or her possession any dynamite, nitro-glycerine, guncotton or other explosive of any nature whatsoever, with intent to injure any person or persons or with intent to unlawfully injure any property, with, by, or by any use of such dynamite, nitro-glycerine, guncotton or other explosive of any nature whatsoever, shall be guilty of a misde-

New Jersey State Library

Penalty.

meanor, and punished by imprisonment in the State prison for not less than one year, nor more than five years.

Unlawful explosions.

2. Any person who shall in any manner cause or attempt to cause any explosion of dynamite, nitro-glycerine, guncotton or other explosive of any nature whatsoever, with intent to injure any person or persons, or with intent to unlawfully injure any property with, by, or by any use of such dynamite, nitro-glycerine, guncotton or other explosive, of any nature whatsoever, shall be guilty of a misdemeanor, and punished by imprisonment in the State prison for not less than five years, nor more than twenty years.

Penalty.

3. This act shall take effect immediately.

Approved April 16, 1909.

CHAPTER 114.

An Act concerning the administering of oaths and protesting of negotiable instruments by notaries public who are stockholders, directors, officers or employes of banks or other corporations.

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

Any notary public may administer oaths in bank matters.

1. It shall be lawful for any notary public who is a stockholder, director, officer or employe of a bank or other corporation to administer an oath to any other stockholder, director, officer, employe or agent of such corporation, or to protest for non-acceptance or non-payment bills of exchange, drafts, checks, notes and other negotiable instruments which may be owned or held for collection by such bank or other corporation; *provided, however,* that it shall be unlawful for any notary public to protest any negotiable instrument

Proviso.

owned or held for collection by such bank or other corporation where such notary is individually a party to such instrument.

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

3. This act shall take effect immediately.

Approved April 16, 1909.

CHAPTER 115.

An Act to validate and legalize any petition presented to a township committee pursuant to an act entitled "An act concerning townships" (Revision of 1899), approved March twenty-fourth, one thousand eight hundred and ninety-nine, and acts amendatory thereof and supplemental thereto, for the issue of bonds and to validate and confirm all bonds issued pursuant to any such petition.

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

1. Whenever heretofore pursuant to an act entitled "An act concerning townships" (Revision of 1899), approved March twenty-fourth, one thousand eight hundred and ninety-nine, and acts amendatory thereof and supplemental thereto, a petition has been presented to a township committee to issue bonds, and an election has been held pursuant to such petition, at which the vote was favorable to the issue of such bonds, and such bonds have been issued and sold, said petition is hereby validated and legalized notwithstanding any failure to specify a particular rate of interest of five per cent. or less in said petition, and notwithstanding any other omission or irregularity in said petition, and all bonds issued pursuant to such petition are hereby validated, legalized and confirmed; *provided,* that such bonds contain a recital of the purpose for which they were issued, specify the act under which they were issued, and also Validating petition for bond issue. Proviso.

contain a further recital certifying that all conditions, acts and things essential to the validity of such bonds exist, have happened and have been done, and that every requirement of law affecting the issue of such bonds has been duly complied with, and that such issue of bonds is within the debt limits prescribed by the laws and constitution of the State.

2. This act shall take effect immediately.

Approved April 16, 1909.

CHAPTER 116.

An Act to validate proceedings for the construction of sewers under an act, entitled "An act for the formation of government of villages," approved February twenty-third, one thousand eight hundred and ninety-one, and to authorize the issuance of bonds therefor.

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

Proceedings of village trustees in constructing sewers validated.

1. The acts and proceedings of the board of trustees of any village of this State, in causing sewers and drains to be constructed in the streets of said village, under or pursuant to an act entitled "An act for the formation and government of villages," approved February twenty-third, one thousand eight hundred and ninety-one, and acts amendatory thereof, are hereby in all respects ratified and confirmed, together with the assessments levied or to be levied for said improvements, notwithstanding any defect or omission in said acts or proceedings, *provided,* only that an ordinance or ordinances for such improvement have been adopted by the majority vote of said trustees, and provided as to said assessments only that they have been or shall hereafter be made after an opportunity to be heard thereon has been given to the persons affected thereby.

Proviso.

Bond issue.

2. The board of trustees shall have power, under

resolutions heretofore or hereafter adopted, to issue the bonds of said village to pay for the expense of any such improvement, or for work done, materials furnished or money loaned therefor in good faith, or to pay notes or certificates of indebtedness issued therefor. Such bonds shall bear such date and rate of interest, not exceeding six per cent., payable semi-annually, and be payable at such place and time, not exceeding twenty years from the date thereof, as may be prescribed by such board. The proceeds of all assessments levied for said improvements shall be held and applied to the payment of the principal and interest of said bonds, and the board of trustees shall each year levy and collect a general tax sufficient to meet the interest and maturing principal of said bonds, after applying the proceeds of said assessments as aforesaid.

Rate.

Time.

Principal and interest provided for.

3. This act shall take effect immediately.

Approved April 16, 1909.

CHAPTER 117.

An act to amend the title and body of an act entitled "An act authorizing the incorporated cities, towns, townships and boroughs of this State to fund their floating indebtedness and their matured and maturing bonds," approved March twenty-third, one thousand eight hundred and ninety-nine, as amended by chapter three of the laws of one thousand nine hundred and one, and further amended by Chapter one hundred and ten of the laws of one thousand nine hundred and seven, so as to include villages.

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

1. The title of the act entitled "An act authorizing the incorporated cities, towns, townships and boroughs of this State to fund their floating indebtedness and their matured and maturing bonds," approved March twenty-third, one thousand eight hundred and ninety-

Title amended.

nine, be and the same is hereby amended to read as follows: "An act authorizing the incorporated cities, towns, townships, boroughs and villages of this State to fund their floating indebtedness and their matured and maturing bonds."

New title.

Section amended.

2. Section one of the act entitled "An act authorizing the incorporated cities, towns, townships and boroughs of this State to fund their floating indebtedness and their matured and maturing bonds," approved March twenty-third, one thousand eight hundred and ninety-nine, as amended by chapter three of the laws of one thousand nine hundred and one, and further amended by chapter one hundred and ten of the laws of one thousand nine hundred and seven, be and the same hereby is amended so as to read as follows:

Incurrence of floating indebtedness.

1. Whenever any incorporated city, town, township, borough, or village of this State shall have incurred, or shall incur, indebtedness, commonly known as floating indebtedness, of any kind whatsoever, whether incurred as hereinafter stated, or in any other manner, that is to say, by reason of the setting aside of assessments, or by reason of the removal from the State of persons taxed before the payment of their taxes, or by reason of a portion of the cost of any public improvement having been 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, it being the intent hereof to include floating indebtedness of every kind and howsoever incurred; or whenever any such city, town, township, borough or village shall have purchased, or may hereafter purchase, real estate and buildings subject to mortgage, and has assumed the payment thereof, and the sum secured by such mortgage is payable; or whenever any such city, town, township, borough or village 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

Causes.

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, borough or village shall have issued, or shall hereafter issue, any bonds, improvement certificates, certificates of indebtedness, or other obligations for money honestly loaned to it in good faith, or for work performed or materials furnished, 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, borough or village 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, borough or village 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 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, improvement certificates, certificates of indebtedness, or obligations due, or to become due as aforesaid, issued for money honestly loaned to such municipality in good faith, or for work performed or materials furnished, or 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, borough or village, and shall be signed by the mayor, chairman or other head executive officer or officers

Lawful to issue bonds.

Amount.

Time.

Rate.

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 the said city, town, township, borough, or village, and shall be numbered to correspond with the bond to which they shall be respectively 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 ordinance, and shall set forth the date upon which such ordinance was adopted, which recital shall be conclusive evidence of their validity and the regularity of their issue; *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 such city, town, township, borough or village 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 the 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; *and provided, further,* that the coupons attached to the said bonds may, at the option of the governing body of any such city, town, township, borough or village, bear the name of the treasurer or principal financial officer only without the name of any other officer.

Coupon bonds.

Proviso; redemption.

Sinking fund.

Proviso.

Repealer.

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

4. This act shall take effect immediately.

Approved April 16, 1909.

CHAPTER 118.

An act to enable towns, townships, boroughs, villages and municipalities governed by boards of commissioners, or improvement commissions, to construct sewers through tide-water creeks, or other water courses, within their corporate limits, and to acquire lands by purchase or condemnation for such purpose, and to provide for the issuing of bonds for the payment of the expenses thereof.

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

Tide-water sewer.

1. In any town, township, borough or village, or in any municipality governed by a board of commissioners, or improvement commission in this State wherein any tide-water creek or other water course exists, into which sewers and drains empty, it shall and may be lawful for the governing body of any of the above-mentioned municipalities having the charge and control of sewers in such municipality, whenever they deem the same necessary, to cause to be constructed through such tide-water creek, or other water course, or partly through such tide-water creek or water course, and partly through the streets and public highways or other places in such municipality, an inclosed sewer to receive the sewerage from the sewers and drains emptying into such creek or water course, or for general sewerage purposes, from such point in such creek or water course to such point of outlet as may be most advisable and expedient, and further, to cause such creek or water course, or such part or parts thereof as they may deem necessary, to be thereupon filled up by the owners of the land adjoining and abutting upon the same, and such governing body is hereby invested with full power to locate and construct such sewer in manner aforesaid, together with all necessary drains, pumps, docks, dams, tide-water banks and such other works as they shall deem necessary, either upon or across any private lands, streets or highways, or parts of streets or highways, or other places, with full

Purposes.

Water course filled.

Sewer appurtenances.

powers of condemnation of any lands taken for the purposes aforesaid.

Assessment for benefits.

2. The costs, damages and expenses of such improvement, including the cost of real estate required therefor as hereinafter provided, shall be assessed upon all the property benefited thereby, not exceeding the special benefits in any case, in like manner as the costs, damages and expenses of constructing other sewers constructed by any such municipality are, or may be assessed; *provided,* whenever the benefits of such improvement are extended to other property by the building of lateral sewers or connections, there shall, in like manner, be assessed upon such property a just portion of the costs, damages and expenses of such improvement, which assessment may be made in connection with an assessment for such lateral sewers, or as independent assessment.

Proviso.

Bonds issued for charges exceeding benefits.

3. The costs, damages and expense of constructing such improvement, including the cost of real estate required therefor, beyond the amount assessed for special and direct benefits, shall be paid by the municipality constructing any such sewer, and such municipality may issue its bonds to the amount not exceeding in the aggregate the total cost of said sewer and of lands acquired therefor, together with all expenses incident to the assessment for the costs, damages and expenses of constructing such sewer, and all other expenses, and all interest upon such costs, damages and expense; said bonds to be issued in the name of such municipality and pledging for the redemption thereof the faith and credit of such municipality, bearing interest at such rate as the governing body of said municipality may determine upon, not exceeding the rate of five per cent. per annum, which bonds shall be made payable at such time or times as the governing body of such municipality issuing the same may determine, not exceeding twenty years from the date of issuing the same, that approximately an equal portion of the same shall become and be due and payable in each year after five years from the date of said bonds; said bonds shall be issued in such denominations as the governing body of

Amount.

Rate.

Time.

such municipality may determine, and may be disposed of by the governing body of such municipality from time to time as may be necessary at the highest rate for which they can dispose of the same; said bonds shall be issued under the seal of such municipality, and be signed by the president, chairman, mayor, or other head officer, and treasurer of such municipality, and shall specify the purpose for which the same are issued, and shall be a lien upon the real estate within such municipality. Sale of bonds.

4. When any such improvement shall be located upon any lands other than public highways or streets, and such lands, or any easement, right or estate therein, shall be necessary for the constructon of said sewer and appurtenances, then it shall be lawful for any such municipality, as aforesaid, to acquire the said land by purchase, or by condemnation, and in case condemnation proceedings are necessary, they shall be carried on and conducted under the provisions of such acts as may be in force regulating the assessment and payment of compensation for property condemned, or taken for public use. May acquire by condemnation.

5. The money for such improvement as aforesaid may be raised by temporary loans, or by the issue or sale of improvement certificates, which loans or certificates may be taken up and paid by the proceeds of the bonds of such municipality, the issue and sale whereof are authorized by this act. Temporary obligations authorized.

6. The powers conferred by this act shall be deemed additional to and independent of any and all powers and authority conferred by, and not subject to any limitation contained in any and all other law or laws. Powers conferred are additional.

7. This act shall take effect immediately.

Approved April 16, 1909.

CHAPTER 119.

An Act to incorporate the borough of Somerville, in the county of Somerset.

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

Borough of Somerville incorporated.

1. The inhabitants of that portion of the township of Bridgewater, in the county of Somerset, hereinafter mentioned and described, are hereby constituted and declared to be a body corporate in fact and in law by the name of "The Borough of Somerville," and as such 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 mouth of Peter's brook, thence running up the middle of the same, the several courses thereof, to the south side of the bridge of the Central Railroad Company of New Jersey crossing said Peter's brook; thence easterly along the southerly line of lands of the said Central Railroad Company of New Jersey to a point which would be intersected by the extension southerly of the division line between the farms, now or formerly, of Ralph A. Wilson and Anton Jœrges; thence northerly, in a straight line to the southerly side of a public road leading from Somerville to Bound Brook, commonly called Union avenue, at a point in the said division line between the lands, now or formerly, of Ralph A. Wilson and Anton Jœrges; thence westerly along the southerly side of said public road to the present boundary line of the town of Somerville, which is two hundred and fifty feet easterly from the west line of the farm formerly belonging to Frederick Lyman; thence across said farm of Frederick Lyman, northerly and parallel with the west line thereof, to a point which would be in the extension easterly of the rear or northerly line of the farm belonging to Sarah A. Ross; thence westerly, in a straight line, across Gaston avenue over lands of James Kinsey, James C. Ross and William Elling to the northeast corner of the farm of Sarah A. Ross, in

Grove street; thence westerly, on her north line to the northwesterly corner of her farm; thence still westerly, in a straight line, to the middle of the bridge on the Pluckamin road at or near the dwelling-house of the farm formerly belonging to Peter Van Deventer, deceased; thence down the middle of the brook crossed by said bridge to Peter's brook; thence up the middle of the same, the several courses thereof to a point where the easterly boundary of the farm formerly in the possession of the Reverend Frederic Cornell, and which was once owned by Richard B. Duyckinck, crosses said brook; thence southerly, down the easterly line of said farm, to the Raritan river; thence down said river to the place of beginning.

Proviso; referendum.

3. This act shall take effect immediately; *provided,* it shall not operate to effect the incorporation of the territory above described as a borough of this State until it shall have been accepted by a vote of a majority of the legal voters of the said described territory voting thereon at a special election to be held within said territory within sixty days from the approval of this act, at a place within said territory to be fixed by the clerk of the town of Somerville. The clerk of said town of Somerville shall cause public notice of the time and place of holding said election to be given by advertisements signed by himself and set up in at least ten public places within said described territory and published in one or more newspapers printed or circulating therein at least ten 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 printed the word "for" and "against" above and immediately preceding the title of this act; and, if the word "for" be marked off or defaced upon the ballot, it shall be counted as a vote against the acceptance of said act; if the word "against" is marked off or defaced upon the ballot, it shall be counted as a vote in favor of the acceptance thereof; and in case neither the word "for" nor the word "against" be marked off or defaced upon the ballot it shall not be counted either as a vote for or

Notice of election.

Ballots.

Election, how conducted.

against such acceptance. Such election shall be held at the time and place so appointed, and be conducted by such officers as shall be appointed by the Board of Commissioners of Somerville, in their corporate capacity, and said election shall be held in accordance with the provisions of the statute relating to elections held in the town of Somerville for members of the Board of Commissioners of such town, and no special form of ballot or envelope need be used at such election. The officers holding such election shall make return to the township committee of said township of Bridgewater of the result thereof by a statement, in writing, under their hands, and the same shall be entered at length on the minutes of said township committee; and thereupon and upon such adoption, but not otherwise, this act shall in all respects be operative.

Returns.

Certificate filed with county clerk.

4. Immediately after the statement of the result of such election shall be made to the township committee of said township of Bridgewater, a copy thereof, certified to by its clerk, shall be forthwith filed in the office of the county clerk of said county of Somerset.

Rights, etc., transferred.

5. All rights, franchises and property of every kind now belonging to or vesting in the Board of Commissioners of Somerville, in their corporate capacity, shall forthwith belong to and be vested in the Borough of Somerville, and all debts dues and obligations of every kind owing by and chargeable to the Board of Commissioners of Somerville, in their corporate capacity, shall forthwith become and be the debts, dues and obligations of the borough of Somerville.

6. This act shall take effect immediately.

Approved April 16, 1909.

CHAPTER 120.

An Act to annex to the borough of Manasquan 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:

Boundaries of portion of Wall township annexed to Manasquan.

Beginning at a point where the southerly boundary line of the borough of Manasquan terminates in the shore of the Atlantic Ocean at ordinary high-water mark, thence southerly along the shore of the Atlantic Ocean at ordinary high-water mark to Manasquan Inlet; thence up Manasquan River the various courses thereof, and following the line of the Island of Sedges to a point in the centre line of Watson's Creek; thence up the centre line of Watson's Creek until it intersects the southerly boundary line of the borough of Manasquan; thence southeasterly in a straight line to the point or 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 borough of Manasquan, in said county.

2. This act shall take effect immediately.

Approved April 16, 1909.

CHAPTER 121.

An Act to annex to the borough of Fort Lee, in the county of Bergen, part of the borough of Palisade Park.

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

Part of Palisade Park annexed to Fort Lee; boundaries.

1. All that territory hereinafter described and being part of the borough of Palisade Park, to wit: beginning on the southerly line of property now or formerly belonging to J. V. and S. H. V. Moore, where the same is intersected by the centre line of the Palisade Railroad, which point is also the northeast corner of Palisade Park borough, and running thence (1) westerly and along the said southerly line of property now or formerly of J. V. and S. H. V. Moore, which line is also the division line between Fort Lee and Palisade Park boroughs, to the easterly side or line of Fourteenth street, Palisade Park borough, and thence (2) southerly and along the easterly side of Fourteenth street and the direct extension thereof across the lands now or formerly of the Brinkerhoff heirs, and the lands now or formerly of Catharine Elias, to the northerly line of Cliffside Park borough; thence (3) easterly and along the northerly line of Cliffside Park borough to the centre line of the Palisade Railroad, and thence (4) northerly and along the centre line of the Palisade Railroad to the southerly line of property now or formerly of J. V. and S. H. V. Moore to the place of beginning, be and the same is hereby annexed to and made a part of the borough of Fort Lee.

2. This act shall take effect immediately.

Approved April 16, 1909.

CHAPTER 122.

An Act relative to the joint commission to investigate the project of one or more bridges between this State and the State of New York, created by Joint Resolution No. 3, approved April second, one thousand nine hundred and eight.

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

Bridge commission continued.

1. The commission appointed by the Governor pursuant to "Joint Resolution 3, creating a commission to confer with a New York commission and fully investigate the project of one or more bridges connecting this State with New York, approved April 22, 1908," is hereby continued in office for the period of one year, and is authorized to receive and expend such moneys as have been appropriated in and by said resolution, and are now unexpended.

Freeholders may make appropriation.

2. The board of chosen freeholders of any county in this State is authorized to appropriate and give to said commission, such sum or sums of money, not exceeding ten thousand dollars, as said board may determine, and said commission is hereby empowered to receive such sum or sums of money and to expend same in determining the most appropriate type and location of any such bridge or bridges, making soundings and borings for the approaches and piers of same, and obtaining such proper information and knowledge as may be necessary for the proper construction of same and the cost thereof.

Accounting.

3. Said commission shall account, over the signature of a majority of its members, to the State Comptroller for any and all moneys received from the State, and to the county collector or other chief financial officer of any county from which it shall receive any money for the moneys received from any county as aforesaid.

Report

4. Said commission shall report to the Governor and Legislature of this State during the regular session of the Legislature in one thousand nine hundred

and ten, as to all its actions and make such recommendations as it may think proper.

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 April 16, 1909.

CHAPTER 123.

A Supplement to an act, entitled, "An act to regulate elections," 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:*

Responsibility for election publications. 1. Whoever writes, prints, posts or distributes, or causes to be written, printed, posted or distributed a circular or poster which is designed or tends to injure or defeat any candidate for nomination or election to any public office, unless there appears upon such circular or poster, in a conspicuous place, either the names of the chairman and secretary, or of two officers of the political or other organization issuing the same, or of some voter who is responsible therefor, with his name and post office address shall be guilty of a misdemeanor.

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

3. This act shall take effect immediately.

Approved April 16, 1909.

CHAPTER 124.

An Act to authorize the governing body of any municipality in this State to improve any road, street, parkway, or other public highway therein with suitable curbing, gutters and sidewalks, and providing for the payment therefor.

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

Street improvements.

1. It shall be lawful for the governing body of any municipality in this State to improve any road, street, parkway, or other public highway therein with suitable curbing, gutters and sidewalks; *provided, however,* that if any road, street, parkway, or public highway so to be improved be under the control of any county board or commission the approval of the said body to the plans of improvement shall be obtained before said improvement is begun. Nothing herein contained shall prevent any board or governing body from exercising any powers which are now conferred on it by law, but this act shall confer additional authority for carrying out the improvements herein specified; and nothing herein contained shall be construed as permitting the governing body of any municipality to improve any road, street or highway which may be entirely within the limits of a county park.

Proviso.

Powers given are additional.

Not to apply to county park.

Property assessed for benefits.

2. Any municipality which shall improve any road, street, parkway, or public highway hereunder is hereby empowered to assess the cost thereof upon the property abutting on the line of such improvement to the extent of the benefits actually received, and any difference between the amount so assessed and the total cost shall be borne and paid by the municipality.

As to assessment and collection.

3. The cost of such improvement and the assessment of benefits, conferred thereby shall be ascertained, fixed, assessed, levied and collected in the same manner as other assessments for like or similar improvements are in such municipality ascertained, fixed, assessed, levied and collected.

Assessments a lien.

4. Any and all assessments which may be under

and by virtue of the provisions of this act shall be and remain liens upon the land and real estate so assessed until the same shall be fully paid, together with interest from the date of such assessment at the rate of seven per centum.

5. This act shall take effect immediately.

Approved April 16, 1909.

CHAPTER 125.

A Supplement to an act entitled "An act to authorize cities to construct and repair sidewalks and curbs, and to provide for the payment of the cost thereof," approved April thirteenth, one thousand nine hundred and eight.

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

Notice of proposed improvement given.

1. In all third-class cities of this State, before proceeding to make such improvement or awarding any contract for the making thereof, it shall be the duty of said common council, or other body, to cause public notice of such contemplated improvement to be given in the manner in this act provided; such notice shall

Description of property affected.

contain a description of the property affected sufficiently definite in terms to identify the same, as well as a description of the required improvement, and a notice that unless said improvement shall be completed within thirty days after the date of first publication thereof, it is the intention of the city to make said improvement or cause the same to be made pursuant to the authority of this act. Such notice shall be published in one or more newspapers published or circulating in such city for a period of five days. A proof of publication of such notice shall be filed with the proper city officer within thirty days after the publica-

tion is completed, but the failure to file such proof shall not invalidate the proceedings if due publication has been made in fact. In case of the non payment of any charges or assessments made a lien by section four of this act, the lands and real estate subject to said lien may be sold in the manner provided for the sale of lands for the non payment of assessments by the officer charged with making collections for betterments in said city; and if there be no such officer now provided by law, then the city treasurer is hereby made and constituted such collector. In case there is now no law applicable to any such city governing generally the sales of lands for betterments, said collector of benefits shall make sale of lands for non payment of liens under this act by selling the same for the term, or in fee, and in the manner provided for the sale of lands for non payment of taxes under the provisions of the act entitled "An act for the assessment and collection of taxes," approved April eighth, one thousand nine hundred and three, and the acts supplemental thereto and amendatory thereof; and the purchaser shall be entitled to the same certificate and may enjoy the same lien, title and benefits, and may perfect his title on like notice as in cases of sale of lands for delinquent taxes under said act.

Sale of property for non-payment of assessment.

Law applicable.

2. All acts and parts of acts inconsistent herewith are hereby repealed, but nothing in this supplementary act contained shall affect any city other than cities of the third class; this act shall take effect immediately.

Repealer.

Approved April 16, 1909.

CHAPTER 126.

An Act concerning the compensation of certain employes in the office of the city collector and receiver of taxes in cities of the first class.

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

Salaries of assistants in tax office.

1. The compensation of the deputy and the chief clerk in the office of the city collector, or receiver of taxes in cities of the first class, shall be fixed at such sums as the board or body having charge and control of the finances of such city shall determine, but at not more than twenty-five hundred dollars per year for the deputy or two thousand dollars per year for the chief clerk; payable as other salaries in said department.

Deficiency met by bonds.

2. Any deficiency in appropriation necessary to comply with the provisions of this act shall be provided by said financial board by the issuance of temporary loan bonds, the payment whereof shall be provided for in the next tax levy.

3. This act shall take effect immediately.

Approved April 16, 1909.

CHAPTER 127.

A Further Supplement to an act entitled "An act for the punishment of crimes" (Revision of 1898), 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*:

Misdemeanors in using motor vehicles.

Any person who shall drive a motor vehicle without the positive consent of the owner thereof, any person who shall drive a motor vehicle while in an intoxi-

cated condition, any person who shall drive a motor vehicle for any bet or wager or for the purpose of breaking any speed record theretofore made, any person who shall drive a motor vehicle after his license so to drive has been revoked, any person who shall willfully fail to display proper registration or identification marks (as required by the provisions of an act entitled "An act defining motor vehicles and providing for the registration of the same and the licensing of the drivers thereof; fixing rules regulating the use and speed of motor vehicles; fixing the amount of license and registration fees; prescribing and regulating process and the service thereof and proceedings for the violation of the provisions of the act and penalties for said violations,") approved April sixteenth, one thousand nine hundred and eight, or any person who shall falsely display a registration or identification mark, shall be guilty of a misdemeanor.

Approved April 16, 1909.

CHAPTER 128.

An Act to amend the title of an act, entitled "An act to regulate party walls," approved February twenty-second, one thousand eight hundred and seventy-one (General Statutes, page 2443), and enlarging said title so as to embrace the object expressed in the body of said act.

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

1. The title of the said act be amended so that the same shall read as follows: "An act relating to party walls and other walls standing upon or near boundary lines of adjoining lands." Title amended.

2. This act shall take effect immediately.

Approved April 16, 1909.

CHAPTER 129.

An Act to amend an act entitled "A further supplement to an act entitled 'An act to provide for the organization of the New Jersey Home for Disabled Soldiers, Sailors, Marines and their Wives,' approved April twentieth, one thousand eight hundred and ninety-eight," which further supplement was approved March twenty-fifth, one thousand nine hundred and five.

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

Section amended.

1. The first section of the act to which this is an amendatory act shall be amended to read as follows:

Terms of admission.

1. Applicants for admission to the home organized under the act to which this act is a supplement, on complying with the other terms and provisions of said act, and on proof that the soldier, sailor or marine named in said application has either been a resident of this State for seven years next before the date of such application, or that he enlisted from this State, shall be admitted as patients at said home.

2. This act shall take effect immediately.

Approved April 16, 1909.

CHAPTER 130.

An Act to amend the title of the 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, so that said title shall read "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, and for the assessment of the benefits of such improvement upon the land and real estate benefited thereby."

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

1. The title to the act of which this act is amendatory is hereby amended so as to read as follows: Title amended.

"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, and for the assessment of the benefits of such improvement upon the land and real estate benefited thereby." New title.

2. This act shall take effect immediately.

Approved April 16, 1909.

CHAPTER 131.

An Act to incorporate the First Judicial District of the county of Hudson.

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

1. The following described territory, to wit: All that part of the county of Hudson, in the State of New Jersey, beginning at a point in the boundary line Boundaries of first judicial district of Hudson county.

between the State of New Jersey and the State of New York, in the Hudson river, forming the northeasterly corner of the county of Hudson and the southeasterly corner of the county of Bergen; thence running westerly along the boundary line between the said counties of Hudson and Bergen, to the centre line of the Hackensack river; thence southerly and along the centre line of the said Hackensack river, following the several courses thereof to the point of the intersection of the said centre line of the said Hackensack river with the centre line of the Penhorn creek, said Penhorn creek forming a part of the boundary line between the city of Jersey City and the township of North Bergen; thence northerly along the centre line of the said Penhorn creek, following the several courses thereof, to a point formed by the intersection of the said centre line of the said Penhorn creek with the centre line of the Secaucus Road; thence southerly and easterly along the said centre line of the said Secaucus Road, and along the northerly boundary of the city of Jersey City to a point where the centre line of the said Secaucus Road intersects the centre line of the Paterson Plank Road; thence easterly along the said centre line of the said Paterson Plank Road, and along the southerly and easterly boundary line of the town of West Hoboken to a point where the said easterly boundary line of the said town of West Hoboken intersects the southerly boundary line of the township of Weehawken; thence easterly and along the said southerly boundary line of the said township of Weehawken to a point in the boundary line between the State of New Jersey and the State of New York in the Hudson river; thence northerly and along the several courses of the said boundary line between the States of New Jersey and New York, to the point or place of beginning, and comprising the municipalities of the towns of West Hoboken, Union, West New York and Guttenberg, the townships of Weehawken and North Bergen and the borough of Secaucus be and the same hereby is established and incorporated to be the First Judicial District of the county of Hud-

Municipalities included.

son, and the provisions of an act entitled "An act concerning District Courts (Revision of 1898), approved June fourteenth, one thousand eight hundred and ninety-eight," and the various amendments thereof and supplements thereto, as far as the same may be applicable, shall apply to the district hereby established.

Effective.

2. This act shall take effect January first, one thousand nine hundred and ten.

Approved April 16, 1909.

CHAPTER 132.

An Act to amend an act, entitled "An act concerning the election of city officers by the governing bodies in cities of this State," approved April twelfth, one thousand nine hundred and six.

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

Section amended.

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

Officers to be elected separately.

1. Hereafter all officers to be elected by the common council or other governing body of any city in this State shall be separately nominated and elected by separate roll call.

2. This act shall take effect immediately.

Approved April 16, 1909.

CHAPTER 133.

An Act to amend an act, entitled "An act concerning building and loan associations," approved April eighth, one thousand nine hundred and three.

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

Section 8 amended.

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

Officers.

8. The officers of every such association shall be a president, vice-president, a secretary, treasurer, and at least three auditors, who shall be shareholders of the association. No person shall be elected auditor who has within a period of six months prior to his election been a director or officer of such association or in its employ; *provided,* that persons who have been auditors within such period may be re-elected. The board of directors may employ a counsel, who shall be an attorney at law of this State, and such clerks, agents and other employes as may be necessary for the direction of the business of the association. The officers, except the auditors, shall be ex-officio members of the board of directors, if the constitution shall so provide.

Proviso.

2. This act shall take effect immediately.

Approved April 16, 1909.

CHAPTER 134.

A Further Supplement to an act entitled "An act respecting conveyances" (Revision of 1898, 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*:

Certain acknowledgments validated.

1. All acknowledgements or proofs of deeds heretofore made or taken, notwithstanding the omission of the word "sealed" in the certificate of acknowledgment or proof, shall be taken and held good and sufficient in law; *provided, however,* that all such deeds have been recorded for a greater period than one year before the adoption of this act.

Proviso.

2. This act shall take effect immediately.

Approved April 16, 1909.

CHAPTER 135.

A Supplement to an act entitled "An act to establish a department of inland waterways," approved March seventeenth, one thousand nine hundred and eight.

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

Harbor master appointed.

1. In any locality where any inland water-way shall have been constructed or improved by the State under the act to which this act is a supplement, the Commissioner of Inland Waterways shall have power to appoint a harbor master, when, in his discretion, such appointment shall be necessary. Said harbor master shall have authority, within the limits to be fixed by the Commissioner of Inland Waterways, at the time

Duties

of appointment, to supervise the use of the inland water-way in the said locality, to prevent permanent anchorage or obstruction of any character from being located therein, to remove all temporary obstructions therefrom, and in all other ways to protect the interests of the State and the public in the said water-way by keeping the same free from obstruction and open to navigation.

Term.

2. The term of office shall be for one year and the harbor master shall serve without compensation from the State.

3. This act shall take effect immediately.

Approved April 16, 1909.

CHAPTER 136.

An Act constituting a commission for ameliorating the condition of the blind, and defining its powers and duties.

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

Commission on the blind.

1. The Governor of this State shall appoint three citizens thereof to constitute a commission for the purpose of ameliorating the condition of the blind.

Term.

Each of the members of said commission shall hold office for a term of three years and until their successors are appointed and qualified. Any vacancy occurring in the said commission shall be filled by the Governor for the unexpired term only. The members of said commission shall receive no salary, but shall receive their actual and necessary expenses incurred in carrying out the provisions of this act.

Duties.

2. It shall be the duty of said commission to provide any and all means which, in their judgment, shall be deemed feasible for ameliorating the condition of the blind, and by reports to be made to the Governor

Report.

from time to time as said commission may deem proper to recommend means and method for the prevention of blindness. Said commission shall prepare and maintain a register of all the blind in this State. It shall be the duty of every physician to report to said commission each and every case of defective vision where, in the judgment of said physician, the person suffering from said defective vision may become permanently blind.

Register.

Physicians to report cases.

3. For the purpose of carrying out the provisions of this act, including the necessary expenses of said commission, the sum of fifteen hundred dollars is hereby appropriated to be paid to said commission from time to time in the manner provided by law.

Appropriation.

4. This act shall take effect immediately.

Approved April 16, 1909.

CHAPTER 137.

An Act to annex a portion of the borough of Etna, or Emerson, in the county of Bergen, to the borough of Westwood.

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

1. All that portion of the borough of Etna, or Emerson, in the county of Bergen, described as follows:

Boundaries of part of Etna annexed to Westwood.

Beginning at a point in the easterly line of the borough of Westwood, where said easterly line is intersected by the southerly line of what is known as the late Stephen Bogert farm, and running thence easterly along the southern line of the said Bogert farm and the original south line of property late of Rebecca Clark, to the Kinderkamack road; thence crossing said road and running along the southerly

line of the Old Hook cemetery and the southerly line of what is known as the Abraham Terhune farm, and continuing easterly along the south line of the Richter place to the centre of the Etna road; thence northerly along the centre line of the Etna road to the centre line of the Old Hook road; thence crossing the Old Hook road and continuing north to the centre of the Pascack stream; running thence westerly through the centre of said stream, following the several courses thereof, to the easterly Westwood borough line; thence southerly along the easterly Westwood borough line to the point or place of beginning, be set off from the said borough of Etna, or Emerson, and annexed to and made part of the said borough of Westwood.

2. This act shall take effect immediately.

Approved April 16, 1909.

CHAPTER 138.

An Amendment to an act entitled "An act for the protection and enforcement of the rights of married women," approved May seventeenth, one thousand nine hundred and six.

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

Section amended.

1. Section one of said act be and is hereby amended so as to read as follows:

Action in tort as if feme sole

1. Any married woman may maintain an action in her own name without joining her husband therein for all torts committed against her, or her separate property, in the same manner as she lawfully might if a feme sole; *provided, however,* that the husband of such married woman may join in such action his claim for any damages he may have sustained in connection with or growing out of the injury for which

Proviso.

his wife brings her action, but his failure to join shall not prevent his right to maintain a separate action therefor; *provided further,* that this act shall not be so construed as to interfere with or take away any right of action at law or in equity now provided for the torts above mentioned. Proviso.

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 April 17, 1909.

CHAPTER 139.

An Act to amend an act entitled "An act concerning district courts" (Revision of 1898), 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 six of the act to which this is an amendment is hereby amended so as to read as follows: Section 6 amended.

6. The salaries of the judges of said courts shall be fixed as follows: In cities having two hundred thousand inhabitants, or over, an annual salary of four thousand dollars; in cities having between one hundred and two hundred thousand inhabitants, an annual salary of three thousand five hundred dollars; in cities having between sixty thousand and one hundred thousand inhabitants, an annual salary of three thousand dollars; in cities having between twenty-five thousand and sixty thousand inhabitants, an annual salary of two thousand five hundred dollars; in cities having between twenty-three and twenty-five thousand inhabitants, an annual salary of two thousand dollars, Salaries of judges of district courts.

and in cities having between seventeen thousand and twenty-three thousand inhabitants, an annual salary of fifteen hundred dollars, and in such judicial districts as are now or may hereafter be established, an annual salary of twelve hundred dollars.

In judicial districts.

Section 8 amended.

2. Section eight of the act to which this is an amendment is hereby amended so as to read as follows:

Salaries of clerks of district courts.

8. The salaries of the clerks of said court shall be fixed as follows: In cities having two hundred thousand inhabitants, or over, an annual salary of two thousand dollars; in cities having between one hundred thousand and two hundred thousand inhabitants, an annual salary of seventeen hundred and fifty dollars; in cities having between sixty thousand and one hundred thousand inhabitants, an annual salary of fifteen hundred dollars; in cities having between thirty-five thousand inhabitants and sixty thousand inhabitants, an annual salary of twelve hundred and fifty dollars; in cities having between twenty-three thousand and thirty-five thousand inhabitants, an annual salary of nine hundred dollars; in cities having between seventeen thousand and twenty-three thousand inhabitants, an annual salary of seven hundred and fifty dollars, and in such judicial districts as are now or may hereafter be established, an annual salary of six hundred dollars, which salaries of such clerks shall be in lieu of all fees whatsoever.

In judicial districts.

3. This act shall take effect immediately.

Approved April 17, 1909.

CHAPTER 140.

A Supplement to an act entitled "An act to authorize the improvement of county roads by the board of chosen freeholders of any county where such road has been a toll road and purchased or condemned, and such boards are charged with the repair and maintenance of the same, and to provide for the payment of the expense of such improvement," approved April fifteenth, one thousand nine hundred and eight.

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

Drainage included in road improvement.

1. The cost of grading and construction of necessary drains for the drainage of such road and carrying off of surface water shall be included as part of the cost of such permanent improvement.

2. This act shall take effect immediately.

Approved April 17, 1909.

CHAPTER 141.

An Act to regulate the use of water closets and urinals on railroad trains and other public conveyances.

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

Boundaries of watershed wholly in State set out.

1. Upon the formal request of the Board of Water Commissioners, or other board or official having charge of the public water supply of any city of this State, which said water supply is derived from surface drainage in any watershed wholly within this State, it shall be the duty of the Board of Health of the State of New Jersey to prescribe and fix territorial limitations bounding such watershed, which shall thereafter be known as watershed. The name

of such watershed to be inserted in the certificate hereinafter provided.

Notice to public and railroad affected.

2. The Board of Water Commissioners, or other board or official making such application to the Board of Health of the State of New Jersey, shall, upon the certificate of the said board setting out the boundaries of the said watershed, give public notice of such establishment, by advertisement in two newspapers of general circulation in the vicinity of the said watershed, at least once a week for four weeks, which advertisement shall run in the name of the Board of Health of the State of New Jersey, and shall contain such sufficient description of the boundaries adopted as will identify the said watershed and the boundaries thereof, and a copy thereof be served upon any agent in charge of any ticket office of any railroad affected by the provisions of this act.

No discharge into such watershed.

3. When such territorial limitations for any such watershed shall have been established by the Board of Health of the State of New Jersey, and notice thereof shall have been given in the manner herein prescribed, it shall threafter be unlawful for any railroad company operating trains, or steamboat or power-boat company operating boats within the territorial limitations of such watershed, to discharge or allow any discharge from water-closets and urinals upon railroad trains or any such steam or other power boats as may be operated therein within the territorial limitations prescribed for such watershed.

Penalty.

How recoverable.

4. Every corporation violating the provisions of this act shall incur a penalty of not exceeding one hundred dollars, to be recovered in an action of debt at the suit of the board of water commissioners or other board or official having charge of the water supply of such city as shall derive its supply from said watershed; and all moneys which shall be recovered in such manner shall be paid into the treasury of the State; and every person violating any provision of this act shall be guilty of a misdemeanor.

5. This act shall take effect immediately.

Approved April 17, 1909.

CHAPTER 142.

An Act to change and amend the title and body of an act entitled "A supplement to an act entitled '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,' approved March twenty-fourth, one thousand eight hundred and ninety-nine," approved April sixteenth, one thousand nine hundred and eight.

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

Title amended.

1. The title of the act of which this act is amendatory be and the same is hereby changed and amended to read as follows:

New title.

An act vesting in the Board of Health of the State of New Jersey all the powers and duties heretofore vested in the State Sewerage Commission by an act entitled, "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," approved March twenty-fourth, one thousand eight hundred and ninety-nine, and the acts supplementary thereto and amendatory thereof.

Section 1 amended.

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

Duties vested in State sewerage commission performed by State board of health.

1. From and after the passage and approval of this act all powers and duties heretofore vested in and executed by the State Sewerage Commission, pursuant to the act entitled "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," approved March twenty-fourth, one thousand eight hundred and ninety-nine, and the acts supplementary thereto and amendatory thereof, shall vest in and be executed by the Board of Health of the State of New Jersey.

3. This act shall take effect immediately.

Approved April 17, 1909.

CHAPTER 143.

A Supplement to an act entitled "A general act relating to boroughs" (Revision of 1897), 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*:

Salary of borough assessor.

1. The assessor of taxes in any borough having a population of more than two thousand five hundred and not more than three thousand shall hereafter be paid an annual salary of not less than three hundred dollars and not more than four hundred dollars, with the approval of the mayor and council, to be paid out of the treasury of said borough.

Repealer.

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

Approved April 17, 1909.

CHAPTER 144.

An Act to amend an act entitled "An act to establish a thorough and efficient system of free public schools and to provide for the maintenance, support and management thereof," approved October nineteenth, one thousand nine hundred and three.

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

Section 153 amended.

1. Section one hundred and fifty-three of an act entitled "An act to establish a thorough and efficient system of free public schools and to provide for the maintenance, support and management thereof," approved October nineteenth, one thousand nine hundred and three, is amended to read as follows:

Regular attendance at school.

153. Every parent, guardian or other person having control of a child between the ages of seven and seventeen years inclusive shall cause such child to regularly attend a day school in which at least the common school branches of reading, writing, arithmetic, spelling, English grammar and geography are taught by a competent teacher, or receive equivalent instruction elsewhere than at school, unless such child is above the age of fifteen years and has completed the grammar school course (prescribed by the State Board of Education), and in addition thereto is regularly and lawfully employed in some useful occupation or service. Such regular attendance shall be during all the days and hours that the public schools are in session in the school district in which the child resides, unless it shall be shown to the satisfaction of the Board of Education of the school district in which such child resides, that the bodily or mental condition of such child is such as to prevent his or her attendance at school. If such child be under the age of seventeen years and has completed the grammar school course and is not regularly and lawfully employed in any useful occupation or service, such child shall attend the high school or manual-training school in said school district in which such child resides, if there is a high school or manual-

Subjects studied.

Period of attendance.

If unemployed, to attend high or manual training school.

training school in said district; if there is no high school or manual-training school in said school district, said child shall be transported to a high school or manual-training school as provided in the act to which this is an amendment. Any child above the age of fourteen years who submits satisfactory evidence to the Board of Education of the school district in which such child resides, that it is necessary that such child should be employed in some occupation or service, may be granted by said Board of Education a certificate exempting him or her from the provisions of this section, such exemption to continue so long as said child shall be regularly employed as aforesaid.

Exemption under certain conditions.

2. This act shall take effect immediately.

Approved April 17, 1909.

CHAPTER 145.

An Act to provide for the creation of a board of assessors in cities, except cities of the first class, of this State, and providing for the adoption thereof.

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

Board of assessors appointed by mayor.

1. Immediately after the provisions of this act shall have been adopted by any city in this State, there shall be in any city, except cities of the first class, accepting the provisions hereof, a board of assessors to consist of three persons, who shall be appointed by the mayor, and the term of said assessors shall run concurrently with the term of the mayor making such appointment, and until their successors are appointed; said assessors shall each receive such salary as shall from time to time be fixed by the governing body of said city, and each shall give a bond for the faithful performance of his duties in such sum as the governing body of the city shall determine, to be approved by the corporation

Term.

Salary.

Bond.

counsel or attorney; they shall perform all the duties now devolving by law upon the assessors of taxes or boards for the assessment of taxes, and the offices of such assessors and such boards now existing in such cities shall be abolished upon the appointment of assessors under this act; any assessment or report made by a majority of said board shall be deemed the assessment or report of said board of assessors, and it shall be lawful for said board, for the purposes of inspection and fixing the values of real estate, to divide the city into three districts, and assign one of said board to each of said districts, but any member of said board may, before fixing the value of any lands within the district examined by him, require an examination to be made by the other members of the board, and in such case the determination of two of said members shall be the determination of said board of assessors; all reports or returns to be made to any other board of the city, county or State shall be made by said board of assessors or a majority thereof.

Duties.

Assessments made to stand.

Three city districts for assessment purposes.

2. This act shall not become operative in any city until the same shall have been adopted by the board of aldermen or common council, by ordinance duly passed and approved by the mayor of said city, and shall, in case of such acceptance, go into effect immediately after said ordinance shall become operative, and the granting of the powers herein made to any such city shall then be deemed to have been accepted by such city, and such city shall be bound by the terms of this act; *provided, however,* that this act shall not apply to any city wherein, at the time of the passage of this act there shall be in existence a board or body possessing powers similar to those conferred by this act, whose membership shall consist of three or more persons.

Act to be effective must be adopted by council.

Proviso.

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

Repealer.

Approved April 17, 1909.

CHAPTER 146.

An Act to amend to amend an act, entitled "An act authorizing the division of townships into street lighting districts, and the erection and maintainance of street lights therein, and the election of street light commissioners in said district, approved May 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 3 amended.

1. Section three of an act, entitled "An act authorizing the division of townships into street lighting districts and the erection and maintainance of street lights therein, and the election of street lighting commissioners in said districts," approved May twenty-fifth, anno domini one thousand eight hundred and ninety-four, be and the same is hereby amended to read as follows:

Assessment made on notice of amount fixed.

1. The sum fixed and appropriated by the majority of said votes cast shall be certified forthwith to the commissioners elected as aforesaid, who shall forthwith certify to the same and give notice to the township assessor of the sum so fixed, who shall assess the same upon the taxable property within said district in the same manner as township taxes are assessed, and said money be assessed, levied and collected in the same manner that other township moneys are assessed; and

Collector's duty.

it shall be the duty of the collector of the township in which said district is situate to pay over all moneys received by him which shall have been assessed as

Custodian.

aforesaid to the township treasurer, who shall be the custodian of said moneys and who shall keep a separate record of such moneys so by him received, and who shall disburse and pay out said moneys only on the presentation to him of a written order duly signed by the commissioners elect as aforesaid.

2. This act shall take effect immediately.

Approved April 17, 1909.

CHAPTER 147.

An Act for the protection of the health of females employed in mercantile establishments.

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

Seats for female employes.

1. Every individual, firm, or corporation or the managing agent of such individual, firm or corporation, having in his or their employ one or more females engaged in the services and operations incident to any commercial employment, shall provide and maintain seats of a suitable kind, conveniently situated at or near the counter, work-bench, or other places where her or their work is ordinarily performed, for the use of such females, who shall be allowed free access to such seats at all times except when engaged in the discharge of duties that cannot properly be performed in a sitting position.

Enforcement of act.

2. It shall be the duty of the Commissioner of Labor and his authorized deputies to see that the provisions of this act are carried out in all the mercantile establishments throughout the State in which female labor is employed, and the said Commissioner or one of his deputies shall thereafter at reasonable intervals examine and inspect all such mercantile establishments for the purpose of seeing that the seats as provided for in this act are fully maintained, and that female employes are permitted to use them freely and without hindrance according to the spirit of this act.

Penalties.

3. Any individual, firm or corporation owning or managing an establishment to which this act applies, who shall fail to comply with its requirements within ten days after the date on which notice to do so has been served by the Commissioner of Labor or one of his deputies shall be liable to a penalty of twenty-five dollars (25) for each offense, and a failure to comply within the period of ten days (10) with such repetition

of the notice as may be necessary, shall each constitute a separate offense.

How proceedings brought.

4. All proceedings brought under the provisions of this act, shall be by action of debt, in the name of the Commissioner, to be instituted in any district court of a city, recorders' courts or cities, or before any justice of the peace having due jurisdiction, and the first process shall be by summons, which process shall be served on the owner or owners, person or persons, or any of them, owning the place or operating the business wherein the alleged violation of law has taken place; if such owner or owners, person or persons, reside in the county where the offense was committed, or if the owner or owners, person or persons, as aforesaid, do not reside in the county where the offense was committed, then said process shall be served on the superintendent, foreman, or person in charge of the business or place; service upon a corporation shall be made upon the president, vice-president, secretary, or any director, and if none of them reside in the county where the offense was committed, then service may be made upon the superintendent, foreman or person in charge of the business or place; in case the owner or owners of a building reside within the limits of the county, then service of the process may be made upon the agent in charge of said building, and if there be no such agent, then service of the process may be made by affixing a copy thereof to the main outer door of such building at least ten days before the return day thereof; all proceedings thereafter shall be the same as in an action of debt in said court; the finding of the court shall be that the defendant has or has not, as the case may be, incurred the penalty claimed in the demand of the plaintiff, and judgment shall be given accordingly; in case an execution shall issue and be returned unsatisfied, the court, on application, after notice to the defendant may award an execution to take the body of the defendant, if an individual, and in case such defendant is committed under such an execution, he shall not be discharged under the insolvent laws of the State, but shall only be discharged by the court making the order

Process served.

Further proceedings.

If execution issue.

When discharged.

for the body execution or one of the justices of the Supreme Court, when such court or justice shall be satisfied that further confinement will not result in the payment of the judgment and costs; all money collected under the provisions of this act shall be paid into the treasury of the State of New Jersey.

Repealer.

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

6. This act shall take effect immediately.

Approved April 17, 1909.

CHAPTER 148.

A Supplement to an act entitled "An act concerning juries" (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*:

Panel of jurors may be divided.

1. In any county in which there are two judges of the court of common pleas, the said court may, by order, whenever the general panel of jurors drawn by the sheriff shall consist of one hundred or more jurors, divide the general panel of jurors into two or more separate panels, as the necessities and convenience of the several courts of said county may require, and designate in which of the courts of said county the jurors constituting the respective separate panels into which said general panel may be divided shall serve; and upon the making of said order the jurors constituting each separate panel shall constitute and be the panel of jurors for service in the courts designated in said order.

Drawing jury.

2. In drawing a jury for the trial of any issue or cause in any of the courts of said county, the sheriff shall put into the box only the names of the jurors con-

stituting the separate panel designated for service in that court, and proceed therefrom to draw the jury in the usual way.

Jurors may be drawn from other panel.

3. If, by reason of challenges or the default of jurors, or otherwise, a sufficient number cannot be had of jurors from the jurors composing any separate panel to try any issue or cause, the court in which such issue or cause is pending shall direct the sheriff to order the jurors composing another of the separate panels into which the general panel may have been divided, to attend that court, and thereupon the sheriff shall put into the box the names of the jurors composing such other separate panel and proceed therefrom to draw the jury in the usual way.

4. This act shall take effect immediately.

Approved April 17, 1909.

CHAPTER 149.

An Act to provide for the government of the police force in cities of this State.

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

City prison keeper a member of police force.

1. In all cities of this State now or hereafter having an officer known as city prison keeper in connection with the city prison, such city prison keepers 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.

Present keepers transferred.

2. All such city prison keepers 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.

3. This act shall take effect immediately.

Approved April 17, 1909.

CHAPTER 150.

An Act to amend an act entitled "An act to regulate the ascertainment and payment of compensation for property condemned or taken for public use (Revision, 1900)," which said act was approved March twentieth, one thousand nine hundred.

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

1. Section nine of the said act to which this is an amendment be amended so that the said section shall read as follows: Section 9 amended.

9. In all cases where the power to take land or property for public use has been or may be given by statute, the petitioner, or owner of any of the land or other property, may appeal from the report of the commissioners to the Circuit Court of the county wherein the land, or other property, may be, whether an appeal has been or may be given by the statute conferring the power to take land or property for public use or not. Right of appeal.

The appeal shall be taken within ten days after the day limited by the justice as the day on or before which said report shall be filed. Taken within ten days.

The appeal shall be made by notice, filed with the clerk of the said Circuit Court, which appeal and notice served as hereinafter provided shall vest in the said Circuit Court full right and power to hear and adjudge the same, and to direct a proper issue for the trial to be framed between the parties, and to order a jury struck and a view of the premises had. Appeal made by notice filed with clerk.

2. This act shall take effect immediately.

Approved April 17, 1909.

CHAPTER 151.

An Act to amend an act, entitled "An act to secure the purity of the public supplies of potable waters in this State," approved March seventeenth, one thousand eight hundred and ninety-nine.

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

Section 1. amended.

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

Prohibiting pollution of potable water.

1. No excremental matter, domestic, factory, workshop, mill, or slaughter house refuse, creamery or cheese factory waste, garbage, dye stuff, coal tar, sawdust, tan bark or refuse from gas houses, or other polluting matter shall be placed in, or discharged into, the waters, or placed or deposited upon the ice of any 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 excremental matter, domestic, factory, workshop, mill or slaughter house refuse, creamery or cheese factory waste, garbage, dye stuff, coal tar, sawdust, tan bark or refuse from gas houses, 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 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 nothing in this section contained shall be construed to

Penalty.

Proviso.

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.

2. This act shall take effect immediately.

Approved April 17, 1909.

CHAPTER 152.

An Act to amend an act, entitled "A general act relating to negotiable instruments (being an act to establish a law uniform with the laws of other States on that subject)," approved April fourth, one thousand nine hundred and two.

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

Section 85 amended.

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

Instruments due on holidays.

85. Every negotiable instrument is payable at the time fixed therein without grace. When the day of maturity falls upon Sunday, or a holiday the instrument is payable on the next succeeding business day. Instruments falling due or becoming payable on Saturday are to be presented for payment on the next succeeding business day, except that the instruments payable on demand may, at the option of the holder, be presented for payment before twelve o'clock noon on Saturday when that entire day is not a holiday.

Section 87 amended.

2. Section eighty-seven of the act to which this is an amendment is hereby amended to read as follows:

When instrument payable at bank.

87. Where the instrument is made payable at a bank it is equivalent to an order to the bank to pay the same for the account of the principal debtor thereon. But

where the instrument is made payable at a fixed or determinable future time, the order to the bank to pay is limited to the day on which the instrument is payable.

3. This act shall take effect immediately.

Approved April 17, 1909.

CHAPTER 153.

A Futher Supplement to an act entitled "An act concerning evidence," approved March twenty-third, one thousand nine hundred.

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

Certified copies valid as original in evidence.

1. All transcripts or copies of any pleading, either in the courts of law or equity of this State, or of judgments, orders, decrees or writs of any kind, or the record thereof made or filed in any such court, duly certified under the seal of such court, as being a true transcript or copy thereof, as the case may be, shall be admitted in any court in this State as evidence of the facts, matters and things therein set forth and so certified to the same extent as though the original thereof had been produced and proved.

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

Approved April 17, 1909.

CHAPTER 154.

An Act to authorize the appointment of commissioners to represent this State in the commission for the promotion of uniform legislation in the United States.

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

Commission appointed by governor.

1. The Governor, with the advice and consent of the Senate, is hereby authorized to appoint three suitable persons, counselors-at-law in this State, as commissioners, to represent the State of New Jersey in the commission for the promotion of uniform legislation in the United States. Each of said commissioners shall hold his office for the term of three years. Any vacancy in said commission by reason of expiration of term of office, resignation, death, or otherwise, shall be filled by appointment by the Governor in the same manner as appointments in the first instance are provided for, except that appointments to fill vacancies other than for expiration of term of office shall be for the unexpired term only.

Term.

Vacancy.

Duties.

2. It shall be the duty of said commissioners to examine the subjects of marriage and divorce, insolvency, the descent and distribution of property, the execution and probate of wills and other subjects, upon which uniformity of legislation in the various States and Territories of the Union is desirable, but which are outside the jurisdiction of the Congress of the United States; to confer upon these matters with the commissioners appointed by other States and Territories for the same purpose; to consider and draft uniform laws to be submitted for approval and adoption by the several States, and generally to devise and recommend such other or further course of action as shall accomplish the purpose of this act.

Reports.

3. The said commissioners shall, at each session of the Legislature, and may at any other time they may deem necessary, make report of its doings with its

recommendations to the Governor for transmission to the Legislature.

No salary; expenses met.

4. None of said commissioners shall receive any compensation for his services, but the amount of his actual traveling and other expenses incurred in the discharge of his official duty, after being approved by the Governor, may be paid out of any lawful appropriation available for that purpose.

5. This act shall take effect immediately.

Approved April 17, 1909.

CHAPTER 155.

An Act validating certain sales of lands, tenements, hereditaments or real estate made under the order of and confirmed by any court of this State.

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

Sales validated tho' advertising defective.

1. No sale of any lands, tenements, hereditaments or real estate heretofore made under the order of and confirmed by any court of this State shall be invalidated by reason of any omission to publish or advertise within ten days from the date of any order of publication to absent defendants, in one or more public newspapers, notice of such order, as required by such order; *provided*, that such publication shall have been made more than four weeks before the time in which said absent defendant or defendants shall have been required to plead, answer or demur to the complainant's bill or petition, and that it shall appear by the proofs filed in said cause, that a copy of such notice shall have been mailed to such absent defendant or defendants, as directed in said order; but the purchaser of such lands, tenements, hereditaments or real estate, having paid the price thereof and having received his

Proviso.

Purchaser's title good.

or her deed therefor, and his or her heirs or assigns, shall be deemed to have as good and complete a title thereto as if such notice had been published within the time directed therein.

2. This act shall take effect immediately.

Approved April 17, 1909.

CHAPTER 156.

An Act to amend an act entitled "An act to secure the purity of foods, beverages, confectionery, condiments, drugs and medicines, and to prevent deception in the distribution and sales thereof" (Revision of 1907), approved May twentieth, one thousand nine hundred and seven.

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

1. Section three of the act of which this act is amendatory be and the same hereby is amended so that the same shall read as follows: Section 3 amended.

3. For the purposes of this act an article shall be deemed to be adulterated— Impure drugs.

In the case of drugs:

First. If when a drug is sold under or by a name recognized in the United States Pharmacopœia, or National Formulary, or is contained in a bottle, box or other container, bearing a name recognized in the United States Pharmacopœia or National Formulary, it differs from the standard of strength, quality or purity laid down in the United States Pharmacopœia or National Formulary, official at the time of investigation; *provided,* that no drug sold under or by a name recognized in the United States Pharmacopœia or National Formulary, or contained in a bottle, box or other container, bearing a name recognized in the Proviso.

United States Pharmacopœia or National Formulary, except any drug sold under or by the name of any preparation of opium, iodine, camphor, ginger or peppermint, or contained in a bottle, box or other container bearing the name of any such preparation, shall be deemed to be adulterated under this section if the standard of strength, quality or purity be plainly and correctly stated upon the bottle, box or other container thereof, although the standard may differ from that laid down in such United States Pharmacopœia or National Formulary.

Strength below standard.

Second. If its strength or purity fall below the professed standard or quality under which it is sold.

In the case of confectionery:

Impure confectionery.

If it contains terra alba, barytes, talc, chrome yellow or other mineral substance, or poisonous color or flavor, or other ingredient deleterious or detrimental to health, or any vinous, malt or spirituous liquor, or compound or narcotic drug.

In the case of food:

Impure food; mixed, colored, substituted.

First. If any substance has been mixed or packed with it so as to reduce or lower or injuriously affect its quality or strength.

Second. If any substance has been substituted wholly or in part for the article.

Third. If any valuable constituent of the article has been wholly or in part abstracted.

Fourth. If it be mixed, colored, powdered, coated or stained in a manner whereby damage or inferiority is concealed.

Poisonous.

Fifth. If it contain any added poisonous or other added deleterious ingredient which may render such article injurious to health; *provided,* that when in the preparation of food products for shipment they are preserved by any external application applied in such manner that the preservative is necessarily removed mechanically or by maceration in water, or otherwise, and directions for the removal of said preservative shall be printed on the covering or the package, the

Proviso.

provisions of this act shall be construed as applying only when said products are ready for consumption.

Sixth. If it consists in whole or in part of a filthy, decomposed or putrid animal or vegetable substance, or any portion of an animal unfit for food, whether manufactured or not, or if it is the product of a diseased animal, or one that has died otherwise than by slaughter. Dirty or decayed.

2. This act shall take effect immediately.

Approved April 17, 1909.

CHAPTER 157.

An Act to compel the determination of the existence and validity of covenants, conditions and agreements for the forfeiture and payment of sums of money or penalties on breach thereof, and of restrictions contained in deeds of conveyance of real estate.

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

1. When any person is in peaceable possession of lands in this State, claiming to own the same in fee simple under a deed of conveyance therefor or by or under descent or devise from the grantee thereof, and in such deed there is no covenant, condition or agreement for the forfeiture and payment of sums of money or penalties on breach thereof, or restrictions, and it is claimed or asserted by any one that said lands are subject to covenants, conditions or agreements for the forfeiture and payment of sums of money or penalties on breach thereof, or restrictions, contained in earlier deeds in the chain of title, and no suit shall be pending to enforce or test the existence or validity of such covenants, conditions, agreements or restrictions, it shall be lawful for such person so in possession to bring and Validity of deed in which covenant may be omitted. Suit in chancery to determine.

maintain a suit in the Court of Chancery to settle the existence and validity of such covenants, conditions, agreements or restrictions, and to clear up all doubts and disputes touching and concerning the same; the complainant in his bill of complaint shall describe the lands with certainty, and shall name all persons who claim or are claimed or reputed to claim any right, title or interest in, under or to such covenant, condition, agreement or restriction, and may also set out his chain of title to said lands and the deeds or other instruments by, under or through which he claims title, together with the covenants, conditions, agreements and restrictions the existence and validity of which are questioned, and shall call upon such persons to set forth and specify their claim, right, title or interest in, under and to such conditions, covenants, agreements and restrictions, and how and by what instrument the same is created.

Description of lands.

Parties to set forth claims, etc.

Subpœna and ticket of description.

2. With the subpœna in such suit there shall be issued a ticket to each defendant, describing the lands with precision and stating the object of the suit, and that if the defendant claims any right, title or interest in, under or to such covenants, conditions, agreements or restrictions he is required to answer said bill, but not otherwise.

No costs in decree pro confesso.

3. No decree for costs shall be had in such suit against any defendant who suffers a decree pro confesso against him, or who shall answer disclaiming any right, title or interest in, under or to such covenants, conditions, agreements or restrictions; but this court shall in such cases, without further proof, decree that such defendant has no right, title or interest in, under or to such covenants, conditions, agreements and restrictons, and, in so far as such defendant is concerned, that the same do not exist; and any defendant who shall by answer, duly verified by oath, deny that he claims or ever has claimed or pretended to have any right, title or interest in, under or to such covenants, conditions, agreements and restrictions, shall be entitled to his costs in said suit.

Decree that defendant has no rights.

Defendant's right to costs.

Defendant to establish claim.

4. If any defendant shall answer claiming the existence of such covenants, conditions, agreements or restrictions, he shall in such answer set forth the same, and how they arose, and his rights thereunder.

Issue joined to determine validity of claim.

5. Upon the application of either party an issue at law shall be directed to try the validity of such claim, or to settle the facts, or any specified portion of the facts upon which the same depends, and the Court of Chancery shall be bound by the result of such issue, but may, for sufficient reasons, order a new trial thereof according to the practice in such cases; and when such issue is not requested, or as to the facts for which the same is not requested, the Court of Chancery shall proceed to inquire into and determine the validity and existence of such covenants, conditions, agreements and restrictions according to the course and practice of that court; and shall, upon the finding of such issue, or upon such inquiry and determination, finally settle and adjudge whether the defendant has any right, title or interest in, under and to such covenants, conditions, agreements and restrictions, and determine the validity and existence thereof.

Court of chancery to inquire and determine.

Final decree to settle rights.

6. The final determination and decree in such suit shall fix and settle the rights of the parties with respect to the existence and validity of such covenants, conditions, agreements or restrictions, and the same shall be binding and conclusive on all parties to the suit; and if any defendant to such suit shall be an infant or non compos mentis, said court is authorized to appoint a guardian ad litem for such person, and likewise appoint counsel to defend the interest of such infant or person non compos mentis and make a reasonable allowance to such counsel, which with the taxed costs shall be paid by the complainant, and in no case shall such infant or person non compos mentis or their estates be charged with any costs in the proceeding.

As to wards and counsel.

7. This act shall take effect immediately.

Approved April 17, 1909.

CHAPTER 158.

A Supplement to an act entitled "An act relative to the compensation of prosecutors of the pleas in certain counties in this State," approved March sixth, one thousand nine hundred.

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

Salaries of prosecutors.

1. Whenever the population of any county in this State, as ascertained by any State or Federal census, is more than forty thousand and less than sixty thousand the prosecutor of the pleas of such county shall receive an annual salary of two thousand dollars; such salary shall be payable in monthly installments in lieu of all fees and allowances which fees shall be paid into the county treasury; *provided, however*, this act shall not be construed to repeal chapters forty-two and one hundred and forty-nine of the laws of nineteen hundred and eight.

Proviso.

2. This act shall take effect immediately.

Approved April 17, 1909.

CHAPTER 159.

An Act to amend an act entitled "An act to tax intestates' estates, gifts, legacies, devises and collateral inheritance in certain cases," approved May fifteenth, one thousand eight hundred and ninety-four.

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

Section 11 amended.

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

Transfer tax.

11. If a foreign executor, administrator or trustee shall assign or transfer any stock or obligations in this

State standing in the name of a decedent or standing in the joint names of such decedent and one or more persons, or in trust for a decedent, liable to any such tax, the tax shall be paid to the State Treasurer on the transfer thereof. No corporation of this State shall transfer any such stock unless notice of the time of such intended transfer be served upon the Comptroller of the Treasury of this State at least ten days prior to such transfer, nor until said Comptroller shall consent thereto in writing; any corporation making such a transfer without first obtaining the consent of the Comptroller of the Treasury as aforesaid shall be liable for the amount of any tax which may thereafter be assessed on account of the transfer of such stock, together with the interest thereon, and in addition thereto a penalty of one thousand dollars, which liability for such tax and interest and said penalty herein prescribed may be enforced in an action of debt in the name of the State of New Jersey.

Comptroller notified of proposed transfer.

Corporations liable.

Penalty.

On the transfer of property in this State of a non-resident decedent, if all or any part of the estate of such decedent, wherever situated, shall pass to persons or corporations who would have been taxable under this act, if such decedent had been a resident of this State such property located within this State shall be subject to a tax, which said tax shall bear the same ratio to the entire tax which the said estate of such decedent would have been subject to under this act if such non-resident decedent had been a resident of this State, as such property located in this State bears to the entire estate of such non-resident, decedent, wherever situated; *provided,* that nothing in this clause contained shall apply to any specific bequest or devise of property in this State.

Ratio of taxation.

Proviso.

2. This act shall take effect immediately.

Approved April 17, 1909.

CHAPTER 160.

An Act to authorize cities and boroughs in this State, located on or near the Atlantic ocean, to lay out, construct, repair or enlarge and maintain boardwalks, or other sidewalks and streets and public places along the ocean front embraced within their limits or jurisdiction, and to provide the money necessary therefor, and to regulate the use thereof.

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

Boardwalks and streets along ocean front.

1. It shall be lawful for cities and boroughs of this State, located on or near the Atlantic ocean and embracing within their limits or jurisdiction any beach or ocean front, to lay out, construct, repair, extend and maintain a public walk or walks of boards or other material; to lay out and open streets, drives and parks and otherwise improve the same along or near the beach or ocean front, and to acquire by deed, lease, license or otherwise property requisite therefor.

Bond issue.

2. Such cities and boroughs shall have power and authority to raise money to be applied as hereinafter provided by borrowing or otherwise increasing their

Amount.

indebtedness to a sum not exceeding one hundred thousand dollars ($100,000) beyond any limit of indebtedness now fixed by law for said cities or boroughs, and to issue negotiable bonds therefor, which

Time.

shall run for any period not exceeding twenty (20) years, and

Rate.

shall bear interest not exceeding five (5) per centum per annum, payable semi-annually, which may be sold and disposed of by said city at not less than par, upon bids duly advertised for the proceeds of the sale

Use of proceeds.

of said bonds to be used under the direction of the common council, or other governing body of said city or borough, for the purpose of constructing or building any new public walk or walks, street or streets, or renewing, repairing, relocating, rebuilding or extending any such public walk, street or streets, or otherwise

improving the same, authorized by the preceding section.

Work done by contract under direction of common council.

3. All work done in constructing streets, walks and drives under the authority of this act, or in improving the same, shall be done under direction of the common council, or other governing body of such city or borough, and said common council, or other governing body, shall, before proceeding to perform the said work, or any part thereof, cause plans and specifications to be prepared therefor, and cause public notice to be given by advertisement of the work needed to be done and the material needed to be used therefore, inviting bids or sealed proposals therefor, at least ten (10) days before awarding the same, as hereinafter provided, in the papers publishing the official notices in such city or borough, and they may give such further publication thereof as they may deem proper and advisable, and, at the time and place designated in such notice, they shall receive and open sealed proposals for the work so to be done and materials to be furnished, and shall award the same to the lowest bidder therefor; *provided, however,* that it shall be competent for said common council, or other governing body, to reject any and all bids so offered, if, in their judgment, the interest of the city shall require such rejection, and they may advertise again for such sealed proposals in the same manner until the said work shall be finally awarded. Contracts for all such work and material shall be made in the name of the city or borough, and such regulations for letting such work and for securing the performance of the same as the common council, or other governing body, shall require may be made, and all such contracts may be signed on the part of the city or borough by the mayor and attested by the city or borough clerk.

Proposals invited.

Proviso.

How contracts made.

Rules and regulations for use of walk and streets.

4. Where, in any city or borough streets, walks or drives are laid out and constructed under this act the common council, or other governing body, may by ordinance regulate the use thereof and enforce such regulations and rules as may be adopted by reasonable penalties, which may be imposed for revenue.

Sinking fund.

5. It shall be the duty of the city or borough in which any bonds shall be issued under the authority of this act to provide for the payment of the same by establishing a sinking fund sufficient to pay for the principal and interest thereof, and to provide by taxation for raising the moneys for this purpose.

Powers here given are additional.

6. This act shall be construed as additional legislation touching the powers of cities and boroughs to improve their streets and highways, and shall not operate to repeal any existing legislation empowering any city or borough to improve or pave streets, or to issue bonds therefor, or make assessments for all or any portion of the cost thereof.

7. This act shall take effect immediately.

Approved April 17, 1909.

CHAPTER 161.

"A Further Supplement to 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, eighteen hundred and ninety-seven."

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

Bond issue to improve streets.

1. The common council of any city which is governed by the act to which this act is a supplement, may, by ordinance, authorize the issuing of municipal bonds for the purpose of obtaining money from the sale thereof for the improvement of streets and highways of such city with material of a kind to be determined in each instance by the body or board of any such city charged with the improvement of streets before the work is commenced, to an amount not exceeding one hundred thousand dollars, which may be in excess of

Amount.

the limit of bonded indebtedness of any such city, and of any other limit now established by law; that said bonds may be issued before or after the work is commenced; that the legislative body of any such 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 at any one time 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 shall have the right to reject any and all of such bids.

Streets designated.

Work done by contract.

2. The bonds authorized to be issued as aforesaid shall be made payable at any time within twenty (20) 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, and only after bids are advertised for; 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 the money derived from assessments made as hereinafter provided for upon the property benefited by such improvements shall, when collected, be held as a trust fund toward the payment of the bonds issued for the purpose of making such improvements.

Time.

Rate.

Record of bonds.

Principal and interest provided for.

3. After the improvement or improvements have been completed the said common council shall apply to one of the justices of the Supreme Court for the ap-

Assessment for benefits.

pointment of three commissioners to estimate and assess such benefits; of the time and place on which application notice shall be given by ten days' publication in the newspapers publishing the official notices in such city, at which time and place, or at such other time and place as the court shall designate, said court shall, without unnecessary delay, appoint three commissioners, who shall be freeholders and residents of the city making the application, to estimate and assess the said benefits; the said court shall have power to remove any commissioner, and also to appoint and fill any vacancy that may occur in the office of any commissioner from any cause.

Commission appointed.

Oath of commissioners.

4. The said commissioners, before entering upon the execution of the duties required of them by this act, shall take and subscribe, before some person duly authorized to administer the same, an oath or affirmation that they will make all estimates and assessments required of them fairly, legally and equitably, according to the best of their skill and understanding, which oath or affirmation shall be attached to the report that they are hereinafter required to make.

Notice of hearing.

5. The said commissioners, having thus qualified, shall give notice under the direction of the said court of the time and place when and where they will hear any persons in interest who may present themselves to be heard, and at such time and place and at such other times and places to which they may adjourn for that purpose, the said commissioners shall attend and shall give a public hearing to those persons who may desire to be heard; the said commissioners shall have power to examine witnesses under oath, to be administered by any one of them, and to enter upon and view any premises that they may deem necessary, and to adjourn from time to time at their discretion, or as directed by said court; they shall use diligent efforts to ascertain the names of the owners of the lands and real estate benefited by the improvements as aforesaid, and shall state the same in the report hereinafter mentioned, but the failure to so ascertain the name of any such owner, or to state the same correctly, or the omission of any such

Examination of witnesses.

Ascertain owners.

name from the said report, shall not be deemed to invalidate the said assessment, nor to be a bar to the collection of the same.

Report with map and survey.

6. After having given opportunity as aforesaid for a public hearing of the persons in interest, and having viewed the premises to be benefited by said improvements, the said commissioners shall make a report in writing of their estimates and assessments to the said court, accompanied by a survey and map prepared by the city surveyor or engineer, under their direction, showing the lots or parcels of land and real estate peculiarly benefited by such improvement; the said report shall state the cost of the whole work, the portion, if any, assessed upon the city at large, and shall give the names, so far as ascertained, of the owners of the said lots or parcels of lands and real estate, and the amount of the assessments to each owner for each of such lots or parcels of land and real estate for the said benefits, which assessments shall, in each case, be in proportion, as near as may be, to an amount as will be equal to the amount of benefits actually acquired by the lands and real estate bordering on any street or highway or portion thereof so improved by reason of such improvement; in case the costs and expenses of such work shall exceed the amount of said benefits, the excess thereof shall be paid by the city at large and raised by general tax; in no case shall any property or owner thereof be assessed beyond the amount of benefit actually derived from said improvement.

Contents of report.

Excess of cost over benefits met by city.

Hearing objections to report.

7. Upon the coming in of any such report, signed by the said commissioners, or any two of them, said court shall cause such notice to be given as it shall deem proper of the time and place of hearing any objections that may be made to such assessment, and after hearing any matter that may be alleged against the same the said court, either by rule or order, shall confirm the said report, or shall refer the same to the same commissioners for revision and correction, or to new commissioners to be appointed by the said court, forthwith to consider the subject matter thereof, and the said commissioners, to whom such report shall be

Revision.

New Jersey State Library

so referred by the court, shall return the same corrected and revised, or a new report to be made by them in the premises to the said court, without unnecessary delay, and the same being so returned shall be confirmed or again referred by the said court in the manner aforesaid, as right and justice shall require, and so from time to time until a report shall be made or returned, which the said court shall confirm; such report, when so confirmed, shall be final and conclusive, as well upon the said city as upon the owners of any land and real estate affected thereby. The said court shall thereupon cause a certified copy of such report and the accompanying map to be transmitted to the clerk of the said city, with a certified copy of the rule or order of said court confirming the same, which shall be forthwith delivered by the said clerk to the officer of such city charged with the duty of collecting assessments for improvements.

Confirmed report final.

Certified copy delivered.

Assessments a lien.

8. All assessments made under the provisions of this act shall be and remain a first lien upon the lands and real estate affected thereby, notwithstanding any error or omission in stating the name or names of the owner or owners of any lot or parcel of such land and real estate, to the same extent as taxes and assessments are now a lien under the general laws of this State, and shall bear the same rate of interest as other assessments for improvements made under the laws governing such cities and shall be collected in the same manner that assessments are now collected under such laws; and in case of non-payment of such assessments the lands and real estate assessed therefor may be sold in the same manner provided for the sale of lands for the non-payment of assessments made under such laws; that the amount so assessed against the different lots or parcels as aforesaid may be paid as follows: one-fifth thereof in each year, with interest thereon, at the rate aforesaid.

Sale for non-payment of assessments.

Fees.

9. The following fees shall be allowed for services under this act: To each commissioner, five dollars for every day he shall be actually engaged in the performance of the duties herein required of him; the fore-

going fees shall be paid by the city in which the improvement is made.

Sinking fund.

10. For the purpose of discharging the said bonds as they mature and for the payment of the interest thereon the common council shall provide annually by taxation in the annual tax levy of such city such sums as will be sufficient to pay the interest on the said bonds hereby authorized to be issued as it falls due and for the creation of a sinking fund for the payment of the principal of the said bonds when they shall mature.

Power here given additional.

11. This act shall be construed as additional legislation touching the power of cities to improve their streets and highways and shall not operate to repeal any existing legislation empowering any city to improve or pave streets or to issue bonds therefor or make assessments for all or any portion of the cost thereof.

Referendum.

12. This act shall take effect immediately, but its provisions shall remain inoperative in any city until assented to by a majority of the legal voters thereof voting at an election to be held in such city at any time to be fixed by the common council of such city, of which election the clerk of such city shall cause public notice of the time and place of holding the same to be given by advertisements signed by himself and set up in at least twenty public places in such city, and published in two or more daily newspapers printed or circulating therein for at least fifteen days previous to the time of such election, and said clerk shall provide for each elector voting at such election ballots on which shall be printed the word "For" and the word "Against," above and immediately preceding the words, "The adoption for this city of the provisions of an act of one thousand nine hundred and nine, entitled "A further supplement to 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, eighteen hundred and ninety-seven;" and if the word "For" be marked off or defaced upon the ballot it shall be counted as a vote against the adoption of this act; if the word "Against" be marked off or defaced upon the

Notice.

Ballots.

ballot it shall be counted as a vote in favor of the adoption of this act; and in case neither the word "For" nor the word "Against" be marked off or defaced upon the ballot it shall not be counted either as a vote for or against the adoption of this act; and if a majority of the votes cast at such election shall be in favor of the adoption of this act this act shall in all respects be and become operative in such city and binding on the inhabitants thereof and upon all persons and property to be affected thereby. The election hereinabove provided for shall be held at the usual places for holding annual elections in such city; the polls shall be opened at six o'clock in the forenoon and close at seven o'clock in the afternoon; every such election shall be conducted by the proper election officers of such city for the time being, and shall be conducted in the manner prescribed by law regulating elections therein, and such officers shall return to the clerk of such city a true and correct statement, in writing, under their hands of the result of said election, and it shall be the duty of the city clerk to certify and report the same to the common council of such city at its first meeting thereafter and the same shall be entered at large in the minutes of said body.

Election, where and how conducted.

Returns.

13. This act shall take effect immediately.

Approved April 17, 1909.

CHAPTER 162.

A Supplement to an act, entitled "An act for the assessment and collection of taxes" (Revision of 1903), approved April eighth, one thousand nine hundred and three.

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

Change of ownership noted on assessment books and map.

1. That in all taxing districts, whether assessments' maps have been adopted or not, when any change of ownership of real estate occurs, the new owner may present his deed or other evidence of title to the assessor, or other proper custodian of the assessment maps, if any there be, which officer shall properly note and record on the books, and maps, if any, the proper change of ownership, and shall certify that he has done so upon the deed or other instrument of transfer, and in case no such certificate shall appear on such deed or instrument, it shall be the duty of the county clerk or register of deeds, with whom such deed or instrument is filed for record, within five days thereafter, to present an abstract of such deed or instrument to such assessor, or other custodian as aforesaid, who shall properly note and record the change. And the county clerk or register of deeds shall not receive such deed or instrument for record unless he is paid the fee of twenty cents for such abstract, and he shall not require any fee from the assessor or custodian for the certification and abstract as aforesaid.

Certified on deed.

If not certified, county clerk to make abstract.

Fee.

2. This act shall take effect immediately

Approved April 17, 1909.

CHAPTER 163.

An Act to authorize boards of chosen freeholders of any county of this state to construct and maintain a road not over half a mile long to connect any highway which is the dividing line between two municipalities in such county with a road leading to a ferry or bridge across a tidal river which is one of the boundaries of any such county, and to acquire lands for the purpose of constructing said connecting road, where there is no other public way from said division highway for a distance of over half a mile to such road leading to such bridge or ferry.

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

Freeholders to acquire land and construct connecting road.

1. Whenever the board of chosen freeholders of any county of this State shall deem and declare it to be a public necessity, or for the promotion of the public convenience, that a road not over half a mile long should be constructed connecting a highway which is the dividing line between two municipalities in such county with a road leading to a ferry or bridge across a river which is one of the boundaries of any such county, it shall and may be lawful for the said board to acquire by gift, purchase or condemnation such lands as may be needful for the situs and construction of any such connecting road (which said connecting road when completed shall not exceed sixty feet in width), and to lay out, open, construct and maintain the said connecting road at the expense of said county, where there is no other public way from said division highway for a distance of over half a mile to such road leading to such bridge or ferry.

Work done by contract.

2. All work done or to be done in and about the construction of such connecting road, excepting the purchase of the lands to be used therefor, shall be done by contract to be awarded to the lowest responsible bidder for the doing of said work upon bids received

by said board at open meeting and invited by advertisement as now required by law.

Bond issue.

3. It shall and may be lawful for the board of chosen freeholders of any county that may determine to construct a connecting road under the provisions of this act, to issue bonds, if in its judgment such course be deemed by said board to be advisable and for the public interest, to defray all the expenses of acquiring the lands for said connecting road or roads and for laying out, opening and constructing the same, which bonds shall bear interest at a rate not exceeding five per cent. and shall be sold to the highest bidder therefor for not less than par, after due advertisement; *provided,* however, that the total expense to be incurred under this act for the construction of such connecting road shall not exceed one hundred thousand dollars.

Rate.

Proviso.

Sinking fund.

4. Every board of chosen freeholders issuing bonds under the authority of this act shall provide for a sinking fund sufficient to retire said bonds at maturity, into which shall be paid annually an amount not less than one per centum of the principal of such bonds, to be raised by a special tax to be assessed, levied and collected with the other taxes of such county, and there shall be likewise raised by tax each year, until the payment in full of such bonds, an amount equal to the interest payable on such bonds in such year.

May acquire land by condemnation.

5. If it shall become necessary to condemn land for the purpose of constructing any such connecting road, the condemnation proceedings therefor shall conform to the provision of an act entitled "An act to regulate the ascertainment and payment of compensation for property condemned or taken for public use (Revision of one thousand nine hundred)," approved March twentieth, one thousand nine hundred, and the acts amendatory thereof and supplementary thereto.

6. This act shall take effect immediately.

Approved April 17, 1909.

CHAPTER 164.

An Act to repeal an act entitled "An act to validate bonds heretofore or hereafter issued by boroughs," approved August first, one thousand nine hundred and six.

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

Act repealed.

1. The act entitled "An act to validate bonds heretofore or hereafter issued by boroughs," approved August first, one thousand nine hundred and six, is hereby repealed.

2. This act shall take effect immediately.

Approved April 17, 1909.

CHAPTER 165.

An Act to repeal an act entitled "An act to validate certain bonds of boroughs," approved August first, one thousand nine hundred and six.

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

Act repealed.

1. The act entitled "An act to validate certain bonds of boroughs," approved August first, one thousand nine hundred and six, is hereby repealed.

2. This act shall take effect immediately.

Approved April 17, 1909.

CHAPTER 166.

An Act to amend an act entitled "An act concerning District Courts" (Revision of 1898), approved April 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 thirty-three of the act to which this is an amendment is hereby amended to read as follows: Section 33 amended.

33. Where the debt, balance or other matter in dispute, or amount really due or recoverable as aforesaid exceeds, exclusive of costs, the sum or value of five hundred dollars, the plaintiff or defendant may recover in such court a sum not exceeding five hundred dollars and costs, but such recovery shall be a bar to the recovery of the residue of such debt, balance or other matter in dispute in any court whatsoever; and it shall be lawful for the plaintiff or for the defendant in a set-off to waive the excess over five hundred dollars. When amount exceeds $500.

2. This act shall take effect immediately.

Approved April 17, 1909.

CHAPTER 167.

An Act to authorize cities to acquire and improve water-front parks, and to authorize the issue of bonds to pay for the same.

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

1. The board or body having charge of the finances of any city in this State may acquire, by purchase or condemnation, any land located upon any water-front, for park purposes and as a place of resort for public Recreation water-front; resort on.

health and for recreation, and may improve the same in any manner that said board or body shall, by ordinance, prescribe; or if such city be the owner of any such land located upon any water-front, said board or body may improve the same for park purposes in any manner that said board or body shall, by ordinance, prescribe. All land necessary to be acquired by condemnation shall be so acquired pursuant to the provisions of an act entitled "An act to regulate the ascertainment and payment of compensation for property condemned or taken for public use (Revision of 1900)," approved March twentieth, one thousand nine hundred, and the acts amendatory thereof and supplementary thereto. Said board or body, in order to obtain the money necessary to purchase or acquire land or improve the same for park purpose, as hereinabove, may by resolution, issue bonds of said municipality to an amount not exceeding the sum of one hundred thousand dollars, which bonds shall be made payable within thirty years from their date of issue, and shall bear interest at a rate not exceeding five per centum per annum, payable semi-annually, and shall be sold after legal advertisement at not less than par; the said bonds shall be issued in such denomination and for such amount, not exceeding the said sum of one hundred thousand dollars, as the said board or body having charge of the finances of any such city shall deem necessary; said bonds shall be signed by the mayor and treasurer and countersigned by the city clerk of said city, under the seal thereof.

May improve for park purposes.

Bond issue.

Amount.

Time.

Rate.

2. In order that the bonds issued under the provisions of this act may be paid and retired at maturity, the said board or body having charge of the finances of any such city shall provide a sinking fund, not exceeding in amount to be raised in any one year five per centum, or less than three per centum, of the face value of the bonds issued, which sum shall be raised annually, at the time and in the manner provided for the raising of other moneys to be used by said city; the moneys so raised for sinking fund purposes shall be paid to the commissioners of the sinking

Sinking fund.

fund in said city, to be used by them for the purposes herein mentioned.

3. This act shall take effect immediately.

Approved April 17, 1909.

CHAPTER 168.

Supplement to an act entitled "An act relative to justices of the peace" (Revision of 1902), approved April third, one thousand nine hundred and two.

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

Election certified in duplicate.

1. In all elections for justices of the peace at least three members of the election board shall certify to such election in duplicate, one copy to be filed with the clerk of the county in which such election is held, the other to be filed in the office of the Secretary of State; both copies to be filed within thirty days after such election has been held.

Notification by secretary of State and county clerks.

2. From such returns the Secretary of State shall determine the results of such election and notify the clerks of the respective counties thereof on or before the first day of March next following such election. The respective county clerks shall thereupon notify, by mail or otherwise, each person so determined to have been elected a justice of the peace in his county on or before the first of April.

Persons notified to qualify by giving bond and taking oath.

Each person so notified, if he desires to do so, shall qualify on or before the first of May following by giving bond as provided in the act to which this is a supplement and by subscribing to an oath of office, on blank forms to be furnished for that purpose by the Department of State, containing both the federal and State oath of allegiance, beside the statutory oath of office. Each person so qualifying shall pay a fee of five dollars for the use of the State, and a fee of one

Fees.

Secretary of State notified of those qualified.

dollar and fifty cents for the use of the county. On or before the first of May of each year the respective county clerks shall file with the Secretary of State the oaths of all justices of the peace who shall have so qualified, and shall also send therewith the State fee above provided.

Commission issued.

The Secretary of State shall thereupon present to the Governor the record of such qualification, and the Governor shall, within twenty days thereafter, issue commissions to such justices of the peace so qualified, which shall bear date May first, as provided by the Constitution. Every justice of the peace so qualified may perform the duties of his office on or after May first.

In effect.

3. This act shall take effect immediately.

Approved April 17, 1909.

CHAPTER 169.

An Act to amend an act entitled "An act to create a board of railroad commissioners for the State of New Jersey and to prescribe its powers and duties," approved May fifteenth, one thousand nine hundred and seven.

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

Section 6 amended.

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

Witnesses, production of records, etc.

6. Said board shall have power to compel the attendance of witnesses and the production of tariffs, contracts, papers, books, accounts and all other documents, and shall have the power to administer oaths to all witnesses who may be called before said board.

Subpoenas.

Subpœnas issued by the board shall be signed by a com-

missioner and by the secretary and may be served by any person of full age. The fees of witnesses required to attend before the board shall be one dollar for each day's attendance, and three cents for every mile of travel, by the nearest generally traveled route in going to and from the place where the attendance of the witness is required, such fees to be paid when the witness is excused from further attendance, and the disbursements made in the payment of such fees shall be audited and paid in the same manner provided for the payment of expenses of the board; *provided,* that no witness subpœnaed at the instance of parties other than the board shall be entitled to compensation from the State for attendance or travel, unless the board shall certify that his testimony was material to the matter investigated. If a person subpœnaed to attend before the board fails to obey the command of such subpœna without reasonable cause, or if a person in attendance before the board refuses, without reasonable cause, to be examined or to answer a legal and pertinent question, or produce a book or paper, when ordered so to do by the board, the board may apply to the Supreme Court or to any justice thereof, who shall have the power of the court for that purpose, upon proof by affidavit of the facts, for an order returnable in not less than two or more than five days, directing such person to show cause before the court or justice who made the order, or any other justice, why he should not comply with the subpœna, or order of the board; upon the return of such order the court or justice before whom the matter shall come on for hearing shall examine under oath such person whose testimony may be relevant, and such person shall be given an opportunity to be heard, and, if the justice shall determine that such person refused, without reasonable cause or legal excuse, to be examined, or to answer a legal and pertinent question, or to produce a book or paper which he was ordered to bring, he may order the said person to comply forthwith with the subpœna or order of the board, and in default of said compliance, may commit the offender to jail, there to remain for a

Witness fees.

Proviso.

Compel attendance of witnesses, etc.

Commitment for contempt.

term to be designated in said commitment not exceeding ninety days, unless he shall sooner purge himself of such disobedience.

How hearings conducted.

All hearings before the board shall be governed by rules to be adopted and prescribed by the board. No person shall be excused from testifying or from producing any books or papers in any investigation or inquiry by or upon the hearing before the board, when ordered to do so by the board, upon the ground that the testimony or evidence, books or documents required of him may tend to incriminate him or subject him to penalty or forfeiture, but no person shall be prosecuted, punished or subjected to any penalty or forfeiture for or on account of any act, transaction, matter or thing concerning which he shall, under oath, have testified or produced documentary evidence; *provided, however,* that no person so testifying shall be exempt from prosecution or punishment for any perjury committed by him in his testimony. Nothing herein contained is intended to give or shall be construed as in any manner giving unto any corporation immunity of any kind. No commissioner or employe of the board shall be required to give testimony in any civil suit to which the board is not a party, with regard to information obtained by him in the discharge of his official duty.

Proviso.

Immunity not given corporations.

Section 8 amended.

2. Section eight of the act to which this is an amendment be and the same is hereby amended to read as follows:

Duties of board.

8. Said board shall keep informed of the condition and operation of all railroads contemplated by this act; shall investigate accidents, hear and examine complaints touching railroad service, rates, discriminations, car service, terminal facilities and applications for switch connections with a private siding, changes of stations, crossings, abolition of grade crossings and all other matters of railroad operation. Said board shall make such recommendations as it may see fit to any railroad company from time to time touching the improvement of its service or for any other purpose contemplated by this act, and shall also report annually, on

Recommendations to railroads.

Annual report.

or before the first day of January, to the Governor, which report shall be laid before the next Legislature, making such recommendations as it may from time to time deem proper, and said board shall, on request, make report to the Interstate Commerce Commission. It shall be the duty of said board to see that the laws of this State regulating said railroad companies are observed and enforced, and it may cause action to be brought against any railroad company violating any of the laws of this State for the specified penalty, through the Attorney-General, who shall in all things be the adviser and legal counsel of said board.

Regulations enforced.

Counsel to board.

Said board shall have power to hear complaints, examine and make orders concerning the safety of trackage, roadbeds, tunnels, bridges and equipment of any railroad operating in this State, and shall also have the power to make all necessary orders requiring any railroad company operating in this State to furnish proper and adequate transportation facilities and stations, in accordance with the judgment of said board, for the proper transportation of passengers and property. Said board shall also have authority upon such matters to make and issue such orders to any railroad company as in the judgment of said board shall be reasonable and just, which said orders said railroad company shall comply with. Every order shall be served on any railroad company to be affected thereby within five days from the time said order is decided upon by a majority of the members of the board, either by personal delivery of a certified copy thereof or by mailing a certified copy thereof, in a sealed package, with postage prepaid, to the person to be affected thereby; or in case of a railroad company, to any officer or agent thereof, upon whom a summons may be served, in accordance with the provisions of the laws of this State. Any order of said board directing a railroad company to continue service in effect at the time said order is issued shall be immediately effective. No other order shall take effect until the expiration of thirty days from the date of service thereof upon the corporation affected, or such further time as shall be designated in said order.

Complaints.

Orders.

Service of orders.

Appeal from order.

Within thirty days from the service of any order which is to become immediately effective or prior to the date upon which any other order issued by the board becomes effective as proposed herein, any party to the proceedings, person or railroad company affected may appeal from the order to the Supreme Court of New Jersey by filing a notice of appeal setting forth the order appealed from with the secretary of the board and with the clerk of the Supreme Court, which said court is hereby given jurisdiction to hear and determine such appeal on the merits of the matters forming the basis of the order. The taking of an appeal shall not stay the operation of the order appealed from, but a stay may be granted by the court in its discretion upon or without terms and conditions. The form of procedure, except as herein outlined, shall be prescribed by said court by rule, but no new evidence shall be admitted on the hearing of the appeal without an order of the said court or a judge thereof, and the decision of the Supreme Court on the appeal shall be final. In default of compliance with said order when the same shall have become operative, said railroad company shall be subject to a penalty not exceeding one hundred dollars per day for violation thereof, to be recovered in an action of debt at the suit of the board.

Form of procedure.

Penalty.

Section repealed.

3. Section nine of the act to which this is an amendment be and the same is hereby repealed.

4. This act shall take effect immediately.

Approved April 19, 1909.

CHAPTER 170.

An Act to amend an act entitled "An act to establish a thorough and efficient system of free public schools and to provide for the maintenance, support and management thereof," approved October nineteenth, one thousand nine hundred and three.

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

1. Amend section eighty-seven of the act to which this is an amendment so that it shall read as follows: Section 87 amended.

87. A board of education may, under such rules and regulations as shall be prescribed by the State Board of Education, appoint a suitable person as supervising principal of schools, define his duties and fix his salary; *provided* that no person shall be appointed supervising principal unless he or she shall hold either a State or first grade county certificate, (and provided further that) nor until the necessity for the appointment of a supervising principal shall have been authorized in writing by the county superintendent of schools, and approved by the State Superintendent of Public Instruction and the State Board of Education. The county superintendent of schools in making his annual apportionment of school moneys shall not apportion the amount allowed by law for a supervising principal unless the salary paid to such supervising principal shall amount, at least, to the sum of one thousand dollars per annum. The boards of education of two or more districts may unite in employing a supervising principal. The terms of all supervising principals now in office shall end on June thirtieth next after the passage of this act, and none shall hereafter be appointed except in the manner provided by this act. Supervising principal. Proviso. Minimum salary. Joint district supervisor.

2. This act shall take effect immediately.

Approved April 19, 1909.

CHAPTER 171.

An Act to amend an act entitled "An act to secure the payment of laborers, mechanics, merchants, traders and persons employed upon or furnishing materials toward the performing of any work in public improvements in cities, towns, townships and other municipalities in this State," 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 1 amended.

1. Section one of the act of which this act is amendatory be and the same is hereby amended so that it reads as follows:

Lien on public funds for material or labor furnished.

1. Any person or persons who shall hereafter as laborer, mechanic, merchant or trader, in pursuance of, or in conformity with the terms of any contract for any public improvement made between any person or persons and any city, town, township or other municipality in this State authorized by law to make contracts for the making of any public improvement, perform any labor or furnish any material toward the performance or completion of any such contract made with said city, town, township, or other municipality, on complying with the provisions of this act, shall have a lien for the value of such labor or materials or either, upon the moneys in the control of the said city, town, township or other municipality, due or to grow due under said contract with said city, township or other municipality, to the full value of such claim or demand, and these liens may be filed and become an absolute lien to the full and par value of all such work and materials, to the extent of the amount due or to grow due under said contract, in favor of every person or persons who shall be employed or furnish materials to the person or persons with whom the said contract with said city, town, township or other municipality is made, or the sub-contractor of said person or persons, their assigns or legal representatives; *provided*, that liens may be filed only by such laborers, mechanics,

Liens filed.

Proviso.

merchants or traders as shall have performed any labor or furnished any material toward the performance or completion of any such contract directly for or to the person or persons, with whom the said contract with said city or municipality is made, or the sub-contractor of said person or persons, their assigns or representatives, and no lien shall or may be filed on behalf of any laborer, mechanic, merchant or trader, for labor performed or material furnished to any other person than the said contractor with the said muncipality or a sub-contractor on any such contract, notwithstanding such material may have been actually used in the performance of the said contract; *provided, further,* that no city, town, township or other municipality shall be required to pay a greater amount than the contract price or value of the work and materials furnished, when no specific contract is made in the performance of said work by the contractor.

Proviso.

2. Section two of the act of which this act is amendatory be and the same is hereby amended so that it reads as follows:

Section 2 amended.

2. At any time before the whole work to be performed by the contractor for any such city, town, township or other municipality is completed or accepted by said city, town, township or other municipality, and within fifteen days after the same is so completed or accepted, any claimant may file with the chairman or head of the department, council, board, bureau or commission having charge of said work, and with the financial officer of said city, town, township or other municipality, notices stating the residence of the claimant, verified by his oath or affirmation, stating the amount claimed, from whom due, and if not due, when it will be due, giving the amount of the demand after deducting all just credits and offsets, with the name of the person by whom employed, or to whom the materials were furnished; also a statement of the terms, time given, conditions of his contract, and also that the labor was performed or materials were furnished to the said contractor, and were actually performed or used in the execution and completion of the said con-

Notice to be filed by claimant.

Statement of terms and conditions of contract.

tract with said city, town, township, or other municipality, but no variance as to name of the contractor shall affect the validity of the said claim or lien; *provided, however,* that the filing of such notice shall not operate as a lien against such moneys as may be due, or to grow due, under the said contract, unless the person or persons serving such notice shall, at the same time, file with the financial officer or the said municipality a bond in a sum to be fixed by such financial officers not to exceed twenty per centum of the amount claimed in said notice, which said bond shall be conditioned for the payment of legal interest for the time the said moneys may be withheld from the said contractor in the event that the said claimant does not perfect his lien by instituting an action or that decree be made in favor of the said contractor in any such action, and conditioned further for the payment of the costs of any such action if judgment be for the contractor.

Proviso.

Bond filed.

Section 4 amended.

3. Section four of the act of which this act is amendatory be and the same is hereby amended so that it reads as follows:

Action begun within ninety days.

4. No lien provided for in this act shall be binding upon the property therein described, unless an action be commenced within ninety days from the filing of the same, and a notice of pendency of said action be filed with the financial officer of said city, town, township, or other municipality.

Section 5 amended.

4. Section five of the act of which this act is amendatory be and the same is hereby amended so that it reads as follows:

Lien to attach from time of filing.

5. The lien shall attach from the time of filing thereof to the extent of the liability of the contractor for the claim preferred upon any funds which may be due, or to grow due, to said contractor from said city, town, township, or other municipality under the contract against which the lien is filed; *provided, however,* that the funds due or to grow due to the said contractor from said city, town, township or other municipality may be released and paid to the said contractor by the financial officer of said city, town, township

Proviso.

or other municipality upon the filing with such financial officer of a bond in double the sum of all claims filed under the provisions of this act against the said contractor, or the funds due or to grow due to him, conditioned for the payment of such sum or sums as may be decreed to be due from the said contractor under any such claim, which bond shall be approved as to form by the chief law officer of such municipality, and as to sufficiency by the financial officer with whom it is filed.

Section 6 amended.

5. Section six of the act of which this act is amendatory be and the same is hereby amended so that it reads as follows:

Action to enforce claim.

6. Any claimant who has filed the notice mentioned in the second section of this act may enforce his claim against the said fund therein designated and against the person or persons liable to the debt by a civil action; actions to determine or terminate said liens may be commenced by the contractor, or said city, town, township or other municipality in any court of competent jurisdiction.

Stay until determination of certain things as a defense.

If in any such action the contractor, or other party defendant, at any time prior to final hearing shall file an affidavit setting forth any matter or thing which would be a valid defense at law on his behalf to any suit wherein the said claimant was plaintiff, but which matter or thing cannot be set up in defense in such action, all further proceedings in such action shall thereupon be stayed until the determination of the said matters or things so set out in such affidavit by a court of law, and, unless the said claimant shall institute a suit at law within thirty days thereafter for the recovery of the amount of the said claim, his bill shall be dismissed with costs. The record of any judgment in any such suit at law, so instituted, may be set up in the said action, and shall be conclusive as to so much of the amount of said lien claim as may have been at issue in the said suit.

Record of judgment as to amount of lien.

Section 13 amended.

6. Section thirteen of the act of which this act is amendatory be and the same is hereby amended so that it reads as follows:

Discharge of liens.

13. The lien may be discharged as follows: First, by filing a certificate of the claimant or his successor in interest, duly acknowledged and proved, stating that the lien is discharged; second, by lapse of time, when ninety days have elapsed since the filing of the claim, and no action shall have been commenced to enforce the claim; third, by satisfaction of any judgment that may be rendered in actions to foreclose said liens or claims; fourth, by the dismissal of the bill as hereinbefore provided; fifth, by final decree of the Court of Chancery in the action.

Section 15 amended.

7. Section fifteen of the act of which this act is amendatory be and the same is hereby amended so that it reads as follows:

Validity of prior claims not affected.

15. This act shall take effect immediately but nothing herein contained shall affect the validity of any claims or liens upon moneys due, or to grow due, under contracts made by cities, towns, townships or other municipalities in this State, prior to its passage;

Proviso.

provided, however, that all the proceedings to enforce any such claims or liens shall be subject to the provisions of this act so far as the same may be applicable; and all acts and parts of acts inconsistent with the terms of this act are hereby repealed.

Approved April 19, 1909.

CHAPTER 172.

An Act relative to the salaries and compensation of members of the Common Council or other governing body in cities of the second class.

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

Salaries of councilmen.

1. The body having charge of the finances in any city of the second class may, in its discretion, fix by ordinance the salary or compensation to be paid to its

members; *provided,* that the salary or compensation shall not exceed the sum of five hundred dollars per annum, *and provided,* that such salary or compensation, when so fixed, shall be in lieu of all salaries, fees or compensation allowed such members under any other law, whether general or special. Proviso. Proviso.

2. It shall not be lawful for such common council or governing body to take such action until this act is adopted by a majority vote of the legal voters of said city voting thereon at any general election therein, which election shall be held according to the provisions of the general election act in such case made and provided. Referendum.

The adoption of this act may be submitted to the legal voters of any such city at the general election therein held next after the passage of and pursuant to a resolution of the governing body thereof passed by a majority vote of said governing body at any regular or special meeting thereof. Question submitted at general election.

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

Approved April 19, 1909.

CHAPTER 173.

A Further Supplement to 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*:

1. To meet the further expenses to be incurred under the provisions of the act to which this is a further supplement, for the acquisition, development Additional bond issue.

and improvement of parks and parkways in any county in this State, in which said act shall or may be in force, and in which the sum limited in said act and in any supplement thereto shall have been already appropriated, the board of chosen freeholders of the said county, from time to time, on the requisition of the said board of park commissioners, in the name and on the credit of the said county, borrow money by issuing the bonds of the said county, after duly advertising the same,

Amount. to a sum not exceeding in the aggregate fifty thousand dollars over and above the total amount theretofore

Time. issued, such bonds to run for a term of not exceeding

Rate. fifty years, to bear interest at a rate not exceeding four per centum, payable semi-annually; such bonds shall not be sold or disposed of at less than their par value, and may be payable at any place which the said board of chosen freeholders may determine, and they shall

Sinking fund. also determine the form of the bond; a sinking fund shall be established by the said board of chosen freeholders on the issuing of said bonds sufficient, with the accumulation thereof, to extinguish the principal of the said bond issued when due; the interest and principal of the bonds issued under the authority of this act shall be the debt or obligation to the county wherein they are issued, and the payment thereof shall be provided for by taxation in the same manner that other debts and obligations of the county are provided for

Use of proceeds. by taxation; the proceeds of the sale of said bonds, after deducting expenses for negotiating the same and for engraving and all other expenses connected with their issue and sale, shall be paid over to the said park commission.

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 April 19, 1909.

CHAPTER 174.

An Act to amend an act, entitled "An act to establish a thorough and efficient system of free public schools, and to provide for the maintenance, support and management thereof," approved October nineteenth, one thousand nine hundred and three.

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

1. Section eighty-four of the act to which this is an amendment is hereby amended so as to read as follows: Section 84 amended.

84. Each board of education elected as provided in this article shall be a body corporate, and shall be known as and called "the board of education of the (township, town or borough, as the case may be) of ....., in the county of ....." Corporate name.

The title to school property, real and personal, previously acquired by a school district acting under the provisions of this article, or by any school district, board of education, school trustees or other body heretofore having charge and control of the public schools situate in the territory now contained in such school district or in any part thereof and the title to all lands, buildings and other property hereafter acquired for school purposes in said school district shall vest in the board of education incorporated under the provisions of this section. Title to property vested in school board.

2. This act shall take effect immediately.

Approved April 19, 1909.

CHAPTER 175.

An Act validating bonds hertofore issued by boroughs.

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

Validating bonds though procedure defective.

1. All bonds heretofore issued by any borough of this State to defray the cost of any improvement or object authorized by law, are hereby ratified, validated, approved and confirmed, notwithstanding any defect or irregularity in any resolution of council fixing and determining upon the amount of bonds to be issued and the object thereof, or in any election on any bond or improvement proposition, and notwithstanding any defect or omission of any kind or character in any proceeding had by the common council of any such borough; *provided,* that a majority of the ballots cast at any election held for the purpose of authorizing an improvement or object, or issuing bonds to defray the cost of any improvement or object, were in favor of such improvement or object, or issue of bonds, and that the total issue of any such bonds did not exceed the amount limited by law.

Proviso.

2. This act shall take effect immediately.

Approved April 19, 1909.

CHAPTER 176.

A Supplement to an act entitled "A general act relating to boroughs" (Revision of 1897).

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

Extension of sewer system.

1. Whenever in any borough of this State owning and operating a sewer system, and having a public water supply, the borough board of health shall deter-

mine that the public health demands the extension of the sewer system, and shall certify their determination to the council under the hand of their president, designating the portions of the borough that need to be provided with sewers, and in the judgment of the council the public good demands such extension of the system, council may, by ordinance, cause the needed sewers to be constructed under such conditions as shall be prescribed by the Board of Health of the State of New Jersey, and provide necessary works or places for treating or disposing of the sewage therefrom, and the cost thereof to be assessed against property benefited, to the extent of the benefit, in the manner provided in "A general act relating to boroughs" (Revision 1897), and the supplements and amendments thereto, and may issue bonds of the borough for that portion of the cost of construction devolving upon the borough, said bonds to be sold at public sale after legal advertisement; *provided* this act shall not apply in boroughs where the existing system of sewers has been paid for by general taxation; *and provided, further,* that no bonds shall be issued for the purpose of this act in excess of one-half of one per cent. of the ratables of the borough.

Proviso.

Proviso.

Approved April 19, 1909.

CHAPTER 177.

Supplement to the act entitled "A general act relating to boroughs" (Revision 1897).

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

1. It shall be lawful for the borough council of any borough of this State, by resolution, to submit the proposition of construction or purchase of a system of water-works or water-supply plant, and also the

Question of water system and bond issue submitted to voters.

question of issue of bonds for the cost of construction or purchase of such system, to the voters at one and the same election, and said proposition of construction or purchase and such question of issue of bonds for one or more purposes, as aforesaid, shall be upon the same ballot. Said election shall otherwise be called and held in the manner provided in the act of which this is a supplement.

2. This act shall take effect immediately.

Approved April 19, 1909.

CHAPTER 178.

A Supplement to an act entitled "An act respecting the Court of Chancery" (Revision of 1902), approved April third, one thousand nine hundred and two.

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

Appeal in case of contempt from chancery to court of errors.

1. Whenever any person or corporation shall be adjudged in contempt by the Court of Chancery of the State of New Jersey, for acts done or omitted elsewhere than in the presence of the court, and such court shall, in consequence, impose upon said person or corporation any fine or imprisonment or other punishment, such person or corporation may appeal from such adjudication to the Court of Errors and Appeals, which appeal shall be taken and prosecuted, in all respects, as other appeals are taken and prosecuted from said Court of Chancery.

Repealer.

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

Approved April 19, 1909.

CHAPTER 179.

A Further Supplement to an act entitled "An act to authorize any town, village or municipality governed by a board of commissioners, improvement commission or common council to lay out, open, widen, alter and vacate streets, roads or avenues, and to locate and construct sewers and to acquire lands and buildings or parts thereof by purchase or condemnation for such purposes," approved May eleventh, one thousand nine hundred and seven.

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

Assessment and collection of costs, etc. for acquiring, laying out streets, etc.

1. Whenever any such board of commissioners or other governing body as is mentioned in the act to which this act is a supplement shall determine by resolution to acquire by purchase or condemnation any land or real estate, or the buildings and erections thereon, necessary for the purpose of laying out, opening, widening, or altering any road, street or avenue, or for the purpose of locating or constructing sewers, it shall be lawful for said board of commissioners or other governing body, by resolution, to cause the costs, damages and expenses of the same, when ascertained and determined, to be certified to the assessor of taxes of said town, village or municipality, or if there be no assessor, then to the assessor of the township within the limits of which the said town, village or municipality is located; and the amount of such costs, damages and expenses shall thereupon be levied, assessed and collected from all the real and personal property in said town, village or municipality in the same manner, at the same time and under the same penalties (but without extra compensation therefor) as the taxes for the working or repairing of roads or streets in said town, village or municipality are levied, assessed and collected.

2. This act shall take effect immediately.

Approved April 19, 1909.

CHAPTER 180.

An Act to incorporate the first judicial district of the county of Somerset.

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

Municipalities comprising first judicial district of Somerset.

1. The following described territory, to wit, all that part of Somerset county in the State of New Jersey comprised within the following boroughs and townships within the said county, to wit, the boroughs of Bound Brook, South Bound Brook, North Plainfield and Rocky Hill, and the townships of Bedminster, Bernards, Branchburg, Bridgewater, Franklin, Hillsboro, Montgomery, North Plainfield and Warren, be and the same hereby is established and incorporated to be the first judicial district of the county of Somerset, and the provisions of an act entitled "An act concerning district courts" (Revision of 1898), approved June fourteenth, one thousand eight hundred and ninety-eight, and the various amendments thereof and supplements thereto, as far as the same may be applicable, shall apply to the district hereby established.

Effective.

2. This act shall take effect on the first day of May, one thousand nine hundred and nine.

Approved April 19, 1909.

CHAPTER 181.

An Act to amend an act, entitled "An act to authorize and provide for the establishment and maintenance of hospitals for contagious diseases in cities in this State," approved March twenty-third, one thousand nine hundred.

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

Title amended.

1. The title of the act to which this act is an amend-

ment, be and the same is hereby amended so as to read as follows:

An act to authorize and provide for the establishment and maintenance of hospitals for contagious and infectious diseases for cities in this State. New title.

2. This act shall take effect immediately.

Approved April 19, 1909.

CHAPTER 182.

An Act to enable any municipality of this State to hold a public celebration of the opening of any tunnel railway connecting said municipality with any other municipality in or outside this State, and to provide funds for the same.

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

1. It shall be lawful for the board having charge of the finances of any municipality of this State with the approval of the mayor or other executive officer thereof to arrange for a public celebration of the formal opening to public travel of any tunnel railway connecting said municipality within any other municipality within or outside of the limits of this State; and to provide the necessary funds for holding such celebration not exceeding five thousand dollars. Tunnel opening celebration. Appropriation.

2. It shall be lawful for the board having charge of the finances of any municipality as aforesaid, to raise the money authorized by the preceding section of this act by appropriating for that purpose any moneys in the treasury of such municipality not otherwise appropriated, or by issuing and selling temporary loan bonds or certificates of indebtedness; *provided* that said bonds or certificates shall be sold at public or private sale after Temporary loan to meet expense. Proviso.

due advertisement, at not less than par and bearing interest at not more than five per cent.

3. This act shall take effect immediately.

Approved April 19, 1909.

CHAPTER 183.

A Supplement to an act entitled "An act to empower municipalities to establish and maintain plants for the treatment, disposal or rendering of sewage," approved April fourteenth, nineteen hundred and nine.

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

Action in tort for damage by sewage disposal plant.

1. The owner of any land adjacent to any plant, works or stations for the treatment, disposal or rendering of sewage, established pursuant to the provisions of the act to which this act is a supplement, who shall sustain any injury by reason of the establishment and maintenance of any such plant, works or stations for the treatment, disposal or rendering of sewage, may maintain an action in tort for the recovery of such damage as said owner or owners shall have sustained by reason of the establishment and maintenance of any such plant, works or stations for the treatment, disposal or rendering of sewage.

2. This act shall take effect immediately.

Approved April 19, 1909.

CHAPTER 184.

An Act to amend an act, entitled "An act to amend an act, entitled 'An act concerning townships' (Revision of 1899)," which amendatory act was approved March twenty-seventh, one thousand nine hundred and six.

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

Section 1 amended.

1. Section one of said act amending section twelve of "An act concerning townships" be and is hereby amended so that said section twelve shall read as follows:

Per diem for township committeemen.

12. Each member of the township committee shall be allowed and paid three dollars for each day he shall be actually and necessarily employed in discharging the duties enjoined on him as such officer; *provided,* that the aggregate annual compensation of each committeeman shall not exceed one hundred and fifty 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.

Proviso.

Approved April 19, 1909.

CHAPTER 185.

A Supplement to an act entitled "An act to authorize cities in this State to insure their buildings," approved March fourteenth, one thousand nine hundred and five.

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

Insurance fund commissioners.

1. In any city of this State, which by authority of

the act to which this is a supplement, has established or may hereafter establish a municipal insurance fund, the mayor of such city shall, with the advice and consent of the common council or other governing body thereof, appoint three of the officials of such city to be known as the "Insurance Fund Commissioners," who shall hold office without compensation during the terms for which they severally have been elected or appointed and until their successors in their respective offices shall have been duly qualified.

Present incumbents to continue.

2. The Insurance Fund Commissioners now in office in any city of this State by virtue of appointment under the act to which this is a supplement, shall remain in office only until their successors, as provided for in this act, shall have been duly appointed and qualified.

Additional duties and powers.

3. In addition to the duties imposed upon the said Insurance Fund Commissioners by the act to which this is a supplement, they shall have power to insure all property belonging to such city or owned or controlled by any board, body, commission, department or committee of such city, either by carrying such insurance in the municipal insurance fund, or by placing it with insurance companies authorized to do business in this State.

Department boards not to effect insurance.

4. No board, body, commission, department or committee of any city where Insurance Fund Commissioners have been or may hereafter be appointed, shall carry or place any insurance upon any property under their control, but all such insurance shall be effected by or through the said Insurance Fund Commissioners.

Premiums.

5. The said Insurance Fund Commissioners shall have power to fix reasonable rates of premium for all insurance carried by the municipal insurance fund, and each board, body, commission department or committee having charge or control of any insurable property shall forthwith pay to the said Insurance Fund Commissioners such premiums for any insurance carried by such municipal insurance fund. Whenever, in the discretion of the Insurance Fund Commissioners, they may deem it advisable to place insurance on city prop-

Insurance may be placed in regular companies.

erty with insurance companies authorized to do business in this State, the premiums for such insurance shall be forthwith paid to the said Insurance Fund Commissioners by the board, body, commission department or committee having charge or control of such property.

All insurance matters placed in board.

6. It is the intent of this act to place the municipal insurance fund and all matters pertaining to insurance of city property under the charge, control and management of the Insurance Fund Commissioners.

Repealer.

7. All acts or parts of acts inconsistent with this act are hereby repealed.

8. This act shall take effect immediately.

Approved April 19, 1909.

CHAPTER 186.

An Act to validate and confirm the de facto organization of school districts in towns, townships and boroughs acting under the provisions of article VI of an act, entitled "An act to establish a thorough and efficient system of free public schools and to provide for the maintenance, support and management thereof," approved October nineteenth, one thousand nine hundred and three, and the proceedings had by the boards of education, boards of school estimate and other municipal bodies therein, and the school bonds issued or authorized to be issued by said municipalities.

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

Article VI of school law applies to all school districts.

1. Every school district heretofore organized and formed in any town, township or borough, and now acting under the provisions of article VI of an act entitled "An act to establish a thorough and efficient sys-

tem of free public schools, and to provide for the maintenance, support and management thereof," approved October nineteenth, one thousand nine hundred and three, shall be deemed and held to be organized and existing under, and in all respects governed by, the provisions of said article, notwithstanding such school district may have been established and organized under an act of the Legislature of the State of New Jersey heretofore declared by the courts to be unconstitutional.

All acts, etc. validated.

2. All statements, resolutions, certificates and acts and things made, adopted and done in good faith by the board of education, the board of school estimate, and other municipal bodies, in any such school district or municipality, according to the provisions of said Act of 1903, are hereby ratified, confirmed and validated.

Appropriations validated.

3. All appropriations of money by any municipal body in any such school district made according to said Act of 1903, and all school bonds issued or authorized to be issued in any such municipality for the purpose of borrowing moneys so appropriated, are hereby ratified, validated and confirmed; *provided, however,* that such bonds were issued or authorized to be issued for money actually and in good faith loaned to such municipality for school purposes and paid to the custodian of school moneys for such school district; *and, provided further,* that the total amount of school bonds so issued or authorized to be issued was not in excess of the limitation placed upon such issue by said act of 1903 and the supplements thereto and amendments thereof.

Proviso.

Proviso.

4. This act shall take effect immediately.

Approved April 19, 1909.

CHAPTER 187.

A Supplement to an act entitled "An act for the protection of certain kinds of birds, game and fish, to regulate their method of capture and provide open and close seasons for such capture and possession (Revision of 1903)," approved April fourteenth, one thousand nine hundred and three.

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

Protection of does and fawns.

1. It shall be unlawful at all times hereafter for any person to gun for or to take, or attempt to take, kill, injure or destroy, or have in possession after the same has been killed or taken in this State, any doe or fawn of any species of wild deer, under a penalty of one hundred dollars for each offense. Penalty.

Guns allowed.

2. It shall be unlawful at all times hereafter for any person engaged in hunting for wild deer in this State to use or carry a rifle of any kind or description, or any firearm or shot gun of a smaller calibre than twelve gauge, or to load such firearm or shot gun with a bullet or other missile larger than that commonly known as buckshot, under a penalty of five hundred dollars for each offense. Penalty.

Daylight gunning only.

3. It shall be unlawful at all times hereafter for any person to hunt for, stalk, chase with dogs or shoot at any wild deer except by daylight on the days now or hereafter designated by law, under a penalty of one hundred dollars for each offense. Penalty.

Dogs forbidden.

4. It shall be unlawful at all times hereafter for any person to hunt for any wild deer with a dog or dogs under a penalty of one hundred dollars for each offense. Penalty.

5. This act shall take effect immediately.

Approved April 20, 1909.

CHAPTER 188.

A Supplement to an act entitled "An act relating to courts having criminal jurisdiction and regulating proceedings in criminal cases" (Revision of 1898), 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 76 amended.

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

Selection of struck jury.

76. When a rule for a struck jury shall be entered in any criminal case the court granting such rule may, on motion of the prosecutor, or of the defendant, or on its own motion, select from the persons qualified to serve as jurors in and for the county in which any indictment was found, whether the names of such persons appear on the sheriff's book of persons qualified to serve as jurors in and for such county or not, forty-eight names, with their places of abode, from which the prosecutor and the defendants shall each strike twelve names in the usual way, and the remaining twenty-four names shall be placed by the sheriff in the box in the presence of the court, and from the names so placed in the box, the jury shall be drawn in the usual way.

2. This act shall take effect immediately.

Approved April 20, 1909.

CHAPTER 189.

A Supplement to an act entitled "An act to create a Board of Railroad Commissioners for the State of New Jersey, and prescribe its powers and duties," approved May fifteenth, one thousand nine hundred and seven.

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

Notice of proposed abandonment of station.

1. Any railroad company proposing to abandon any railroad station, or stop the sale of passenger tickets, or cease to maintain an agent to receive and discharge freight at any station now or hereafter established in this State, at which passenger tickets are now or may hereafter be regularly sold, or at which such agent is now or may hereafter be maintained, shall post in a conspicuous place, in the railroad station to be affected, at least thirty days before the contemplated action is to take effect, a notice setting forth in detail such contemplated action, and at the time said notice is posted shall send a copy of the same to the Board of Railroad Commissioners.

Hearing on complaint.

Upon complaint by any interested party that it is the intention of any railroad company to abandon any railroad station or stop the sale of passenger tickets or cease to maintain an agent to receive and discharge freight at any station now or hereafter established in this State, the Board of Railroad Commissioners may order a hearing, of which the parties at interest shall receive not less than five days' notice, and if, after said hearing, in the opinion of the Board of Railroad Commissioners, the said station should be maintained, or the sale of passenger tickets should be continued, or an agent to receive and discharge freight should be maintained at said station, it may issue such order or orders in regard to the matter as it may deem reasonable and just.

Penalty.

Any railroad company failing to post a notice at a railroad station to be affected, or to give notice to the Board of Railroad Commissioners, as herein provided,

shall be subject to a penalty of five hundred dollars for each offense, to be recovered in an action of debt at the suit of the board, and the Board of Railroad Commissioners shall have power, after hearing, to order and direct such railroad company to resume or continue its service, notwithstanding any penalty collected because of its failure to give the notice provided for herein.

Complaint against unprotected crossing.

2. Whenever a complaint is lodged with the Board of Railroad Commissioners by the Board of Chosen Freeholders of any county the governing body of any township or municipality, or by twenty or more freeholders and taxpayers of any township or municipality, to the effect that a public highway and a railroad cross one another in such county, township or municipality at the same level, and that conditions at said grade crossing are such as to make it necessary for the protection of travel over the same that gates shall be erected at said crossing, or that a flagman shall be stationed there to give notice of the approach of an engine or train, or that some other reasonable provision for protecting such crossing shall be adopted, it shall be the duty of the Board of Railroad Commissioners to give notice to the railroad company in interest of the filing of such complaint, and to furnish a copy of the same to the railroad company, and to order, if requested by the complainants or any railroad company at interest, a hearing thereon. If, upon such hearing, it shall appear to the satisfaction of the board that conditions at said crossing are such as to make it necessary for the protection of travel over the same, said board may order and direct the railroad company to erect gates at said crossing and place an agent in charge to open and close the same when an engine or train passes, or that a flagman shall be stationed at such crossing who shall display a flag when an engine or train is about to pass, or that such crossing shall be provided with some other reasonable protection as the board determines the better security of human life and the public safety requires.

Hearing.

Order made.

Permission for new grade crossings.

3. No municipality shall hereafter construct, or cause to be constructed, any new street or highway across the tracks of any railroad company at grade, nor

shall any railroad company lay tracks across any street or highway so as to make a new crossing at grade, without obtaining therefor permission from the Board of Railroad Commissioners.

System of accounts.

4. The Board of Railroad Commissioners may, in its discretion, require a uniform system of rendering accounts to the board by the railroad companies, and order reports made in accordance with such system; *provided,* that such uniform system and all forms of accounts which may be required by the board shall conform to the system and forms prescribed by the Interstate Commerce Commission.

Proviso.

Train connections.

5. The Board of Railroad Commissioners shall have power, after hearing upon notice, to order and direct any railroad company to establish and maintain at any junction or point of connection or intersection with any other line of said road, or with any line of any other railroad, such just and reasonable connections as shall be necessary to promote the convenience of the traveling public, and to order and direct any railroad company to construct, maintain and operate, upon reasonable terms, a switch connection with any private side track which may be constructed by the shipper to connect with the railroad where such connection is reasonable, practical and can be put in with safety and will furnish sufficient business to justify the construction and maintenance of the same.

Private sidings.

Orders subject to appeal.

6. All orders issued by the board of railroad commissioners in accordance with the provisions of this supplement shall be complied with, subject to appeal and penalty for default of compliance, as provided in the act to which this is a supplement.

7. This act shall take effect immediately.

Approved April 20, 1909.

CHAPTER 190.

A Supplement to an act entitled "An act respecting the Orphans' Court (Revision 1898)," 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*:

Discovery of property.

1. Whenever application shall be made to the Orphans' Court of the county in which letters testamentary, of administration, or of guardianship were issued, by petition by any executor, administrator or guardian, alleging that he believes that any person has in his or her possession personal property of the estate of the testator, intestate or ward of such executor, administrator or guardian, or alleging that he believes that any person has knowledge of the existence or whereabouts of any personal property of the estate of such testator, intestate or ward, the court may, by order, require such person to appear before it and make discovery as to his possession of, or knowledge of the whereabouts or existence of any personal property of such testator, intestate or ward by the production of books, papers or securities relating to such estate, or the examination of such person and other witnesses, and may take such proceedings for the recovery of any assets of the said estate so discovered by order or decree as may be taken in like cases in the Court of Chancery, and may compel obedience to such order or decree by the same process and in the same manner as orders or decrees of the Court of Chancery are enforced.

Order by court.

2. This act shall take effect immediately.

Approved April 20, 1909.

CHAPTER 191.

An Act to amend an act, entitled "An act to amend an act, entitled 'An act relating to life insurance companies doing business in the State of New Jersey and to the representatives of such companies,' " approved March nineteenth, one thousand eight hundred and ninety-five.

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 amended to read as follows: Section 1 amended.

1. No life insurance company doing business in this State shall make or permit any distinction or discrimination in favor of individuals between the insured of the same class and equal expectation of life in the amount of payment of premiums or rates charged for policies of life or endowment insurance, or in the dividends or other benefits payable thereon, or in any other of the terms and conditions of the contracts it makes; except that any life insurance company doing business in this State may issue policies of life or endowment insurance with or without annuities on the industrial plan, with special rates of premiums less than the usual rates of premiums for such policies to members of labor organizations, lodges, beneficial societies or similar organizations, or employes of one employer, who through their secretary, or employer may take out insurance in an aggregate of not less than one hundred members, and pay their premiums through such secretary or employer; nor shall any such company or agent thereof make any contract of insurance or agreement as to such contract other than as plainly expressed in the policy issued thereon; nor shall any such company, or any officer, agent, solicitor or representative thereof, pay, allow or give, or offer to pay, allow or give, directly or indirectly, as inducement to insurance, any rebate of premium payable on the policy, or any special favor or advantage in the dividends or other benefits to accrue thereon, or any paid employment or contract for

Discrimination forbidden.

Industrial plan.

No agreement other than given in policy.

No rebating.

services of any kind, or any valuable consideration or inducement whatever not specified in the policy contract of insurance.

Uniform commission to agents.

No life insurance company doing business in this State, and issuing policies both upon the participating and non-participating plan, shall, on or after the first day of January, one thousand nine hundred and ten, make any distinction in the rate of commission or in the compensation paid to an agent based upon the participating or non-participating character of any policy issued through said agent.

2. This act shall take effect immediately.

Approved April 20, 1909.

CHAPTER 192.

A Supplement to an act entitled "An act for the protection of certain kinds of birds, game and fish, to regulate their method of capture and provide open and close seasons for such capture and possession (Revision of 1903)," approved April fourteenth, one thousand nine hundred and three.

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

Open season for rabbits.

1. It shall be unlawful to capture, kill, injure, destroy or have in possession any rabbit in any of the counties of this State, excepting only between the fifteenth day of November and the thirty-first day of December, both dates inclusive of each year, under a penalty of twenty dollars for each rabbit so captured, killed, injured, destroyed or had in possession.

Penalty.

Repealer.

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

3. This act shall take effect immediately.

Approved April 20, 1909.

CHAPTER 193.

An act to incorporate the first judicial district of the county of Morris.

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

Municipalities comprising first judicial district of Morris.

1. The following described territory, to wit, all that part of the county of Morris in the State of New Jersey comprised within the following boroughs, townships and town within said county, to wit: boroughs of Chatham, Madison and Florham Park, the townships of Morris and Chatham and the town of Morristown, be and the same hereby is established and incorporated to be the first judicial district of the county of Morris, and the provisions of an act entitled "An act concerning district courts" (Revision of 1908), approved June fourteenth, one thousand eight hundred and ninety-eight, and the various amendments thereof and supplements thereto, as far as the same may be applicable, shall apply to the district hereby established.

2. This act shall take effect April first, one thousand nine hundred and ten.

Approved April 20, 1909.

CHAPTER 194.

An Act relating to the repavement of streets and highways in cities of the first class, and allowing for the use of old materials in said repaving.

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

Use of old material in repaving.

1. When the board or body having the control of the streets and highways of any city of the first class in this State shall provide, in the manner now or here-

after provided by law, for the repavement of any street or highway or section thereof, in such city, it shall be lawful in the contract to be made for the performance of the work of such repavement, to provide that any part of the old pavement or of any of the material thereof may be used in the work of such repavement, and the cost of preparing such old pavement or any such old material shall constitute part of the cost and expense of the repavement.

2. This act shall take effect immediately.

Approved April 20, 1909.

CHAPTER 195.

An Act to amend an act entitled "An act to amend an act entitled 'An act to incorporate and regulate telegraph companies,' approved April ninth, one thousand eight hundred and seventy-five," approved March nineteenth, one thousand nine hundred.

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

Section 8 amended.

1. The eighth section of the act of which this act is amendatory is hereby amended so that the same shall read as follows:

Erection of poles, etc.

8. Any telegraph company organized under the laws of this or any other State, or of the United States, or any company organized by virtue of this act, shall have full power to erect, construct, lay and maintain the necessary poles, wires, conduits and other fixtures for its lines, in, upon, along, over or under any of the public roads, streets and highways upon first obtaining the consent in writing of the owner of the soil to the erection of any such pole or poles; and through, across or under any of the waters within the limits of this State, and upon, through or over any other land, sub-

ject to the right of the owners thereof to full compensation for the same; *provided, however,* that no pole shall be erected, nor shall any conduit, wire or other fixture be constructed or erected in, upon, along, over or under any of the public roads, streets or highways of any municipality in this State without first obtaining from the governing body of such municipality, permission therefor by ordinance or resolution and a designation therein of the street or streets, road or roads, highway or highways, in, upon, along, over or under which the same shall be erected or constructed; and also a designation in such ordinance or resolution of the manner of placing, erecting or constructing the same and of the particular location in any such road, street or highway where the same shall be placed; *and provided further,* that the same shall be located and constructed according to a plan or plans showing the location, number and size of any such poles, conduits, or other fixtures, to be approved by such governing body before any such work is begun, and so as in no way to interfere with the safety or convenience of persons or vehicles traveling on or over any such street, road or highway; *and provided also,* that the use of all public streets, roads or highways in any municipality of this State by any telegraph company, or by any company organized under this act shall be subject to such police and other regulations and restrictions as may be deemed for the best interests of such municipality, and which shall be set forth in an ordinance or ordinances adopted by the governing body thereof; *and provided also,* that nothing herein contained shall require permission by ordinance or resolution to be obtained from the governing body of any municipality to erect, construct, lay and maintain the necessary poles, wires, conduits and other fixtures which are to be used as a part of a through line or system as distinguished from a local line or system; but for all such through lines or systems, it shall be the duty of such governing body, on written application therefor being made as now required by law, to designate by resolution the street or streets, road or roads, highway or highways in, upon,

Proviso.

Proviso.

Proviso.

Proviso.

Through lines.

along, over or under which such poles, wires, conduits or other fixtures shall be constructed, laid or erected, and the manner of placing the same, which shall be according to a plan or plans showing the location, number and size of such poles, conduits or other fixtures, to be submitted with said application and approved by such governing body, and the same shall be placed so as in no way to interfere with the safety or convenience of persons or vehicles traveling on or over any such street, road or highway, and subject to such police and other proper regulations and restrictions as may be deemed for the best interests of such municipality to be set forth as aforesaid; *and provided also,* that such a through line or system as is herein mentioned shall be construed to be one used strictly for through business and which line or system shall in no event be thereafter used for local business, or in any case as a local line or system, or as a part of any local line or system, without having first obtained permission by ordinance or resolution for such local use or as such a local line or system as hereinbefore provided; *and also provided,* that where the use of any county road is desired in any county of this State for any local line or system, permission therefor by resolution and a designation therein of such road and of the portion thereof so to be used and of the location and the manner of placing, erecting and constructing such poles, conduits or other fixtures shall first be obtained, in the manner hereinbefore set forth in the case of applications for local lines to the governing bodies of municipalities of the State, from the board of freeholders of such county before any work on such road is begun hereunder, and for any through line or system in, along, upon, over or under any county road, a designation shall be made by the board of freeholders under regulations and restrictions to be set forth as aforesaid and as hereinbefore provided in the case of applications for through lines to the governing bodies of municipalities in this State; and all such work for either a local or a through line, on any county road, shall be done according to a plan or plans showing the location, number and size of any such

Proviso.

Proviso.

Work done according to approved plans.

poles, conduits or other fixtures, to be submitted to and approved by such board of freeholders prior to the beginning of any work thereunder, and under proper police and other regulations and restrictions as aforesaid; *and provided also,* that where application is made to the governing body of any municipality or county of this State for permission to erect, construct, lay and maintain poles, wires, conduits or other fixtures for any local line or system in such municipality or county, it shall be the duty of such governing body to designate by ordinance or resolution some feasible route in such municipality or county for such local line or system under regulations and restrictions as aforesaid and after a plan or plans have been submitted and approved and otherwise as hereinbefore set forth. Proviso.

2. All acts or parts of acts inconsistent herewith, to the extent of such inconsistency only, be and the same are hereby repealed, and this act shall take effect immediately. Repealer.

Approved April 20, 1909.

CHAPTER 196.

An Act to further amend an act, entitled "An act concerning railroads," approved April fourteenth, one thousand nine hundred and three.

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

1. Section forty be and the same is hereby amended to read as follows: Section 40 amended.

40. The Governor, Chancellor, Vice-Chancellors, the Justices of the Supreme Court and the Judges of the Court of Errors and Appeals, Judges of the Circuit Court, Attorney-General, Secretary of State, State Treasurer, Deputy State Treasurer, State Comptroller, Deputy State Comptroller, Clerk in Chancery, Deputy State officials entitled to passes.

Clerk in Chancery, Clerk of the Supreme Court, Deputy Clerk of the Supreme Court, Adjutant-General, Quartermaster-General, the Secretary to the Governor, the Executive Clerk, Clerk to the School Fund, State Librarian, Custodian and Assistant Custodian of the State Capital, State Prison Keeper, Supervisor of the State Prison, State Superintendent of Public Schools, Commissioner of Banking and Insurance, Commissioner of Charities and Corrections, State Geologist, Commissioner of Public Roads, Commissioner of Motor Vehicles, Chief of the Bureau of Labor and Statistics, Deputy Chief of the Bureau of Labor and Statistics, Commissioner of Labor, the members and Clerk of the State Board of Equalization of Taxes, the members and Secretaries of the State Board of Assessors, and the Board of Railroad Commissioners, its Secretary and Inspectors, the members of the State Water Supply Commission, its Secretary and Engineer, the members of the Public Utilities Commission, its Secretary and Inspectors, members of the Civil Service Commission, Commissioner of Inland Waterways, Chief of the Bureau of Shell Fisheries, the members and officers of both Houses of the Legislature of this State, and the members of Congress and United States Senators, during their various respective terms of office, shall pass and re-pass free of charge on all railroads now or hereafter operated in this State.

2. This act shall take effect immediately.

Approved April 20, 1909.

CHAPTER 197.

An Act to amend an act entitled "An act for the better regulation and control of the taking, planting and culivating of oysters and clams on lands lying under the tidal waters of the county of Ocean, in the State of New Jersey," approved March twenty-sixth, one thousand nine hundred and two.

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

1. From and after the date of the passage and approval of this act section two of the act referred to in the title of this act is hereby amended to read as follows: Section 2 amended.

2. The Governor of this State shall appoint a person to be known as the Oyster Superintendent, who shall hold his office for a term of three years and until his successor is appointed and qualified, at an annual salary of one thousand dollars, 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 Ocean; 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 his act. Oyster superintendent. Term. Salary. Bond. Duties prescribed.

2. This act shall take effect immediately.

Approved April 20, 1909.

CHAPTER 198.

A Supplement to an act entitled "An act for the punishment of crime," 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 142 amended.

1. Section one hundred and forty-two of the above entitled act be and the same is hereby amended so that said section shall read as follows:

Injuries to gas and water pipes and meters.

142. Any person who shall willfully or maliciously cut down, break down, level, demolish or otherwise destroy or damage any conduit, aqueduct or artificial water course, for the purpose of leading water to any dwelling house, barn, spring house, or other out-building, or to the lands of any person, or the pipes, gas-meter or other machinery for making, registering or conveying gas belonging to any individual or incorporated gas light company, shall be guilty of a misdemeanor.

2. This act shall take effect immediately.

Approved April 20, 1909.

CHAPTER 199.

An Act to amend the title of an act entitled "An act to reduce the number of members of the boards of chosen freeholders in counties of this State; and to fix the salaries and provide for the election of the members of said boards," approved March twenty-sixth, one thousand nine hundred and two.

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

Title amended.

1. The title of the act entitled "An act to reduce the number of members of the boards of chosen freehold-

ers in counties of this State, and to fix the salaries and provide for the election of the members of said boards," approved March twenty-sixth, one thousand nine hundred and two, is hereby amended so as to read as follows: "An act to reorganize the boards of chosen freeholders of the several counties of this State, reducing the membership thereof, fixing the salaries, and providing for the election and terms of office of the members and also for the appointment and terms of office of officers appointed by such boards." New title.

2. This act shall take effect immediately.

Approved April 20, 1909.

CHAPTER 200.

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 addition to the powers given by the provisions of the act to which this is a supplement, it shall be lawful for the town council of any town created under the provisions of this act to close or vacate by ordinance or resolution any street or part of a street and to alter or change the alignment of any street or part of a street within said town, which does, may or shall hereafter run through any public park or any property owned or controlled by a county park commission. Close or alter streets through parks.

2. This act shall take effect immediately.

Approved April 20, 1909.

CHAPTER 201.

An Act to amend an act, entitled "An act to authorize cities of this State to borrow money for improving their police department facilities and their fire and police alarm system, and to secure the payment thereof by issuing bonds," approved April eighth, one thousand nine hundred and eight.

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

Section 1 amended.

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

Cities may borrow to improve fire and police protection.

1. It shall be lawful for the common council, board of aldermen or other governing body of any city of this State having control of the finances of said city, to borrow money from time to time for the purpose of improving the police department facilities and the fire and police alarm system of said city, and to secure the payment thereof by the issuance of bonds.

Bond issue.

The bonds so to be issued shall be of such denomination as the common council, board of aldermen, or other governing body of such city having control of the finances of such city, shall deem proper, and shall be made payable in not less than twenty years nor more than thirty years;

Time.

Rate.

they shall bear interest at a rate not greater than five per centum per annum, payable semi-annually, and may be either registered or coupon bonds, or may be registered and coupon bonds combined, at the option of the said governing body; they shall be signed by the mayor, countersigned by the comptroller and attested by the city clerk, shall have the corporate seal affixed, and shall be sold at public sale, but not for less than par and accrued interest; *provided, however,* that the bonds issued under this act shall at no time exceed the sum of one hundred thousand dollars.

Proviso.

Amount.

2. This act shall take effect immediately.

Approved April 20, 1909.

CHAPTER 202.

An Act validating certain notices heretofore given by boards of education.

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

Validating notices given by school board.

1. All notices heretofore given by a board of education of a meeting of the legal voters to vote on a proposition to purchase land on which to erect a school house, or for any other lawful purpose, are hereby validated and confirmed, notwithstanding the failure of any board of education to prescribe the exact place or places where said notices shall be posted; *provided,* the required number of notices prescribed by law were actually posted in any such school district for the period required by law.

Proviso.

2. This act shall take effect immediately.

Approved April 20, 1909.

CHAPTER 203.

A Supplement to an act entitled "An act to incorporate 'South Atlantic City,' in the county of Atlantic, as a city and fix the boundaries thereof," approved April twenty-third, one thousand eight hundred and ninety-seven, providing for changing the name "South Atlantic City" to "Margate City."

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

Name changed to Margate City.

1. The name "South Atlantic City" by which the body politic and corporate is designated in an act incorporating said city, entitled, "An act to incorporate 'South Atlantic City,' in the county of Atlantic, as a city and fix the boundaries thereof," approved April twenty-third, one thousand eight hundred and ninety-

seven, be changed to "Margate City," and that hereafter the body politic and corporate as described in said act of incorporation shall be known by the name of "Margate City" instead of "South Atlantic City."

2. This act shall take effect immediately.

Approved April 20, 1909.

CHAPTER 204.

An act authorizing boards of health in any city of this State to issue permits for the sale or delivery of ice in any such city, and to prohibit the sale or delivery of ice therein without a permit, and to revoke such permits, and authorizing said boards to adopt an ordinance prohibiting the sale or delivery of ice in said city without such permit, and to fix a penalty for a violation of said ordinance.

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

Permits to sell and deliver ice in cities.

1. No person, firm or corporation shall sell or deliver ice in any city of this State unless a permit therefor shall be first obtained by such person, firm or corporation from the board of health of such city, and it shall be lawful for any such board of health to revoke any permit granted by it as aforesaid, when in its judgment the use of any ice that is to be sold or delivered under such permit is, or would be detrimental to the public health; which revocation or any declination of the local board to grant a permit shall be subject to appeal to the Board of Health of the State of New Jersey, which last named board may order a permit to be granted or a revocation of a permit to be set aside and a new permit to be granted, which order shall be binding and effective on such local board.

Revocation.

Appeal may be taken to State board of health.

Ordinances relative to sale and delivery of ice.

2. Any board of health in any city in this State may adopt an ordinance prohibiting the sale or deliv-

ery of ice in said city without a permit therefore from said board, and empowering said board to revoke any permit issued by it when in its judgment the use of any ice which is sold or delivered under said permit is, or would be detrimental to the public health, and to prohibit the use in said city of any ice which is impure or taken from any polluted source, and to prescribe in such ordinance a penalty not exceeding two hundred dollars for a violation thereof, which penalty shall be enforced and collected in the same manner fixed by an 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, one thousand eight hundred and eighty-seven, and the several supplements thereto.

Ice from impure source prohibited.

Penalty.

3. This act shall take effect immediately.

Approved April 20, 1909.

CHAPTER 205.

An Act to amend an act entitled "An act to amend an act entitled 'An act to establish schools of detention,'" approved March twenty-seventh, one thousand nine hundred and six, which amendatory act was approved April sixteenth, one thousand nine hundred and eight.

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

1. Amend section one of an act entitled "An act to amend an act entitled 'An act to establish schools of detention,'" approved March twenty-seventh, one thousand nine hundred and six, which amendatory act was approved April sixteenth, one thousand nine hundred and eight, so that it shall read as follows:

Section 1 amended.

1. It shall be lawful for the boards of chosen freeholders or commissioners of any county in this State

Building for school of detention.

New Jersey State Library

where a juvenile court is established, or may hereafter be established, to purchase suitable land and buildings, to erect the necessary buildings on land owned by said county, to be used as a school of detention for the purpose of caring for dependent and delinquent children under sixteen years of age whom it may be necessary to hold in custody by virtue of the order or direction of any Court of Common Pleas of said county, and to furnish and maintain the same; *provided,* that no such land shall be purchased, or building or buildings shall be erected, without the consent and approval of the judge of the juvenile court. Such school of detention, together with the land belonging thereto, shall constitute a special school district in said county, and shall be entitled to receive, and the county superintendent of said county shall apportion and cause to be paid to the county collector, who shall be the custodian of school moneys for said special school district, such apportionments of the State school moneys and interest and surplus revenues as are paid to public school districts in said county. When the grounds have been secured, and the buildings erected and prepared for occupancy, the general management of such school of detention and school district shall be vested in a board of directors consisting of the judge of the juvenile court, the county superintendent of schools, the president or director of the board of chosen freeholders, or county commissioners, and two members of said board or commission, to be selected by the director or president thereof, and the superintendent of schools of the most populous city in said county.

Proviso.

School a special district.

School moneys.

Management of school and district.

2. This act shall take effect immediately.

Approved April 20, 1909.

CHAPTER 206.

An Act to repeal an act entitled a supplement to an act entitled "An act to provide for the consolidation of county hospitals for the insane in any county in this State, and for the erection of new buildings, and for the sale of buildings and lands rendered unnecessary for such purposes," approved March twenty-seventh, one thousand nine hundred and five, which supplement was approved April thirteenth, one thousand nine hundred and eight.

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

1. The act entitled a supplement to an act entitled "An act to provide for the consolidation of county hospitals for the insane in any county in this State, and for the erection of new buildings, and for the sale of buildings and lands rendered unnecessary for such purposes," approved March twenty-seventh, one thousand nine hundred and five, which supplement was approved April thirteenth, one thousand nine hundred and eight, is hereby repealed. Act repealed.

2. This act shall take effect immediately.

Approved April 20, 1909.

CHAPTER 207.

An Act to amend an act entitled "An act to provide for the consolidation of county hospitals for the insane in any county in this State, and for the erection of new buildings, and for the sale of buildings and lands rendered unnecessary for such purpose," approved March twenty-seventh, one thousand nine hundred and five.

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

1. The second section of the above recited act, Section 2 amended.

being chapter sixty of the acts of one thousand nine hundred and five, is hereby amended to read as follows:

Bond issue.

2. For the purpose of obtaining means for the erection of such hospital building or buildings, and the furnishing thereof, it shall be lawful for the board of chosen freeholders of any such county to issue and sell the corporate bonds of said county, after duly advertising the sale thereof to an amount not exceeding six-tenths of one per centum of the ratables of said county; said bonds shall bear interest at a rate not exceeding four per centum per annum, and the principal thereof shall be payable at a time not exceeding forty years from their date, and such board of chosen freeholders shall establish a sinking fund, to be raised by taxation from year to year, sufficient to pay off and discharge said bonds at their maturity, and shall also include in the annual county tax levy a sum sufficient to pay the interest thereon.

Amount.

Rate.

Time.

Sinking fund.

Freeholders may sell property not needed.

2. The board of chosen freeholders of such county may sell any lands and buildings owned by said county and used for the purposes of a hospital for the insane which are located in a part of the county remote from the site of the hospital buildings so consolidated and erected under the provisions of this act, and which are rendered unnecessary to be used for such hospital purposes, and the sale and conveyance thereof by such board shall vest in the purchaser title in fee to the premises so sold; the proceeds of such sale shall be applied by the board of chosen freeholders of such county to the sinking funds of such county or to the redemption of county bonds, and not otherwise.

Proceeds of sale.

Repealer.

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

Approved April 20, 1909.

CHAPTER 208.

An Act to amend an act entitled "An act to provide for the regulation and incorporation of insurance companies, and to regulate the transaction of insurance business in this State," approved April third, one thousand nine hundred and two.

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

1. Section forty-six of the act entitled "An act to provide for the regulation and incorporation of insurance companies, and to regulate the transaction of insurance business in this State," approved April third, one thousand nine hundred and two, is hereby amended to read as follows:

Section 46 amended.

46. Whenever any bond, undertaking, recognizance, or other obligation is by law, or the charter, ordinances, rules or regulations of any municipality, board, body, organization, court, or public officer required, or permitted to be made, given, tendered or filed with surety or sureties, and whenever the performance of any act, duty or obligation, or the refraining from any act, is required or permitted to be guaranteed, such bond, undertaking, obligation, recognizance or guarantee may be executed by any company authorized under the laws of this State to carry on the business specified in sub-division seven of section one of this act; and such execution by such company of such bond, undertaking, obligation, recognizance or guarantee shall be, in all respects, a full and complete compliance with every requirement of every law, charter, ordinance, rule or regulation that such bond, undertaking, obligation, recognizance or guarantee shall be executed by one surety, or by one or more sureties, or that such surety shall be residents, householders or freeholders, or either, or both, or possess any other qualification; and all courts, judges, heads of departments, boards, bodies, municipalities and public officers of every character shall accept and treat accordingly such bonds, undertakings, obligations,

Surety companies as bondsmen for officials, etc.

Such bonding a complete compliance with every requirement.

recognizances or guarantees when so executed by such company as conforming to, and fully and completely complying with every such requirement of every such law, charter, ordinance, rule or regulation. It shall be lawful for any receiver, assignee, guardian, trustee, committee, executor, administrator, curator, or other fiduciary or party of whom a bond, undertaking, or other obligation is required, to agree and arrange with such company for the deposit for safe keeping of any and all money, assets, or other property for which he is or may be responsible, with a bank, savings bank, safe deposit or trust company authorized by law to do business as such in this State, and in such manner as to prevent the withdrawal or alienation of such money, assets or other property, or any part thereof, without the written consent of such company, or an order of the court or a judge thereof made on such notice to such company as the court or judge may direct.

Arrangement for safe keeping entrusted property.

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

Repealer.

Approved April 20, 1909.

CHAPTER 209.

An Act to change and amend the title of an act, entitled "An act to tax intestates' estates, gifts, legacies, devises and collateral inheritance, in certain cases," approved May fifteenth, one thousand eight hundred and ninety-four.

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

1. The title of the above entitled act be and the same is hereby changed and amended to read as follows:

Title amended.

An act to tax the transfer of property of resident and non-resident decedents by devise, bequest, descent, distribution by statute, gift, deed, grant, bargain and sale, in certain cases. New title.

2. This act shall take effect immediately.

Approved April 20, 1909.

CHAPTER 210.

An Act authorizing the Board of Managers of the New Jersey State Hospital at Morris Plains to enter into a contract with the Morris County Traction Company for the electrification and use, by said company, of the existing line of railway leading from said hospital to the tracks of the Delaware, Lackawanna and Western Railroad Company at Morris Plains.

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

1. The Board of Managers of the New Jersey State Hospital at Morris Plains is hereby authorized to enter into a contract with the Morris County Traction Company for the electrification and use by said company of the existing line of railway leading from the New Jersey State Hospital at Morris Plains to the railroad tracks of the Delaware, Lackawanna and Western Railroad Company at Morris Plains. Said agreement, when made and entered into, shall be subject to cancellation by the Board of Managers at any time within six months by notice in writing from said Board of Managers to said Morris County Traction Company. Said agreement shall be entered into without cost to the State or to the Board of Managers of said hospital, and the consideration therefor shall be the right and privilege of said railroad company to

Electrification and use of railway.

Cancellation.

Agreement.

use said railway leading from the said hospital at Morris Plains to Morris Plains, and the use by said Morris County Traction Company of said tracks shall be under such rules and regulations as shall be prescribed by said Board of Managers of said Hospital.

Right and title to land.

2. Nothing in this act contained, or in any agreement to be entered into between said Board of Managers and said Morris County Traction Company, shall be construed to vest in said company any title, interest, right or ownership in the land covered by the railway tracks leading from the said State hospital to Morris Plains, or of any of the equipment of said railway.

3. This act shall take effect immediately.

Approved April 20, 1909.

CHAPTER 211.

An Act for the prevention of drunkenness.

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

Board of protectors.

1. In every municipality of this State, the governing body thereof may appoint three reputable citizens, resident in said municipality, to be known as a board of protectors, which board shall have the power and authority hereinafter set forth.

No salary; expenses met.

2. Said board shall serve without compensation, except that their reasonable expenses incurred in serving notices hereinafter prescribed, printing and stationery, shall be paid by said municipality as other bills are paid.

Causes investigated.

3. Said board shall investigate the causes of drunkenness in the municipality for which they are appointed, and whenever it satisfactorily appears to said board that any person residing in, or who frequents

said municipality, is an habitual drunkard or is likely to become a drunkard by the use of intoxicating liquors, such board shall, by notice in writing mailed to every person licensed to sell intoxicating liquors in said municipality, direct all persons, so as aforesaid licensed to sell intoxicating liquors in said municipality, to desist from either selling or giving intoxicating liquors to any such person so determined to be an habitual drunkard or likely to become a drunkard. Any person who knowingly shall sell or give any intoxicating liquor to any person, so as aforesaid determined to be an habitual drunkard or like to become a drunkard, after notice to desist from the sale or gift of intoxicating liquors to any such person, as aforesaid, either directly or through a third person, shall, for the first offence, be liable to a penalty of fifty dollars, to be recovered in an action of debt by said board of protectors; and for a second offence shall be liable to a penalty of one hundred dollars to be recovered in like manner; and for a third offence, shall be liable to a penalty of two hundred dollars, to be recovered in like manner; and upon a third violation said board of protectors shall report said fact to the board, person, body or court having the right to grant license for the sale of intoxicating liquor in said municipality, whereupon said board, person, body or court having the right to grant such license, may revoke the license of the person so selling or giving intoxicating liquor in violation of the provisions of this act, perpetually or for a stated period of time. No action for a penalty, however, shall be instituted against any person for the sale or gift of intoxicating liquor in violation of the provisions of this act, unless the person so violating shall first be given an opportunity to appear before said board of protectors at a time and place to be fixed by said board, notice whereof shall be given in writing to said person, either personally or left at his dwelling house, place of abode or place of business, at least five days before the date of said hearing.

Notice to dealers to cease selling.

Penalties.

May revoke license.

Hearing.

Notice to party to cease buying liquor.

4. It shall also be the duty of said board of protectors to give notice in writing to any person whom said board shall determine to be an habitual drunkard or likely to become a drunkard, by reason of the use of intoxicating liquors, to cease the purchase of liquor within said municipality, and if any such person shall thereafter purchase any intoxicating liquors in said municipality such person shall be deemed a disorderly person and punishable as such.

Monthly meetings; notice of.

5. Said board of protectors shall hold a stated meeting at least once in each and every month, and shall give notice in one of the newspapers printed and published in said municipality, or, if there be no newspaper published in said municipality, in a newspaper circulating therein, for one insertion, at least one week before the board shall hold its first stated meeting, of the time and place fixed for the holding of such stated meetings, at any of which meetings all persons shall be entitled to be heard respecting any matters coming within the purview of this act.

Definitions.

6. The words "intoxicating liquor" wherever used in this act, shall be construed to mean and include vinous, spirituous, malt or brewed liquors of any kind or character, and the word "person" shall be taken to mean and include a corporation or partnership.

7. This act shall take effect immediately.

Approved April 20, 1909.

CHAPTER 212.

An Act to provide for the purchase, construction, improvement and maintenance of public parks by cities in this State.

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

Parks in cities.

1. The board or body having charge and control of the public parks, where a separate board exists for that purpose in any city of this State, shall have authority to purchase lands for public parks in any such city; *provided,* that before any such purchase the board or body having charge and control of the finances of any such city, provided there be a distinct board having such powers, shall concur in the same.

Proviso.

Acquire land by agreement or condemnation.

2. When such board or body having charge and control of the public parks as aforesaid shall deem it proper to acquire certain land for the purposes aforesaid, and the said board, or its agents, cannot agree with the owner, or owners of said land, as to the price and terms of the purchase thereof, or when by the legal incapacity or absence of such owner or owners no agreement can be made for the purchase thereof, or when for any other reason said board cannot arrange for the purchase thereof it shall be lawful for said city to acquire the title by condemnation; *provided,* that no application or proceeding shall be instituted for that purpose, except by and with the consent of the board or body having charge and control of the finances of such city.

Proviso.

Bond issue to meet obligations.

3. The board having charge and control of the finances of any such city shall have the power to borrow so much money as may be necessary for the purchase and acquirement of lands for the purposes mentioned in the first section of this act, and for the laying out and improvement of the same, and for the improvement and extension of any parks heretofore purchased or acquired in any such city, and may issue bonds or obligations of the city therefor, bearing interest at a rate not exceeding four per cent. per annum, in an

Rate.

Amount.

amount not exceeding three hundred thousand dollars, and make the same payable at such time or times as such board shall determine; *provided,* that the term of said bonds or obligations shall not exceed forty years.

Proviso.

Bonds exempt from taxation.

4. The issue of bonds under the provisions of this act shall be exempt from taxation, and they shall be in such sum as the board having charge and control of the finances of said city shall determine; they shall be executed under the corporate seal of such city, and shall be signed by the mayor and comptroller of such city, and may be either registered or coupon bonds, as the board may direct. The interest on the said bonds and the amount provided to be set apart for a sinking fund therefor, which shall not be less than one and one-quarter per cent. annually, shall be raised and paid by taxation, such tax to be assessed, levied and collected as other taxes in such city are now, or may hereafter be levied and collected.

Sinking fund.

Sale of bonds and use of proceeds.

5. The board or authority having charge and control of the finances of said city may dispose of the bonds or obligations hereby authorized at public sale, after due advertisement, but in no case for less than par; all of the moneys received from the sale of the said bonds shall be applied and used for the purposes of this act, and for no other purpose.

Act is additional legislation.

6. This act shall take effect immediately, but shall not repeal or affect any other legislation or proceedings thereunder for the purchase or condemnation of lands for park purposes and for maintaining such parks, and this act is declared to be additional legislation for such purpose.

Approved April 20, 1909.

CHAPTER 213.

An Act to validate, authorize and confirm bonds heretofore or hereafter issued, or the issuance of which has been heretofore authorized, or which may be hereafter authorized in any city of this State pursuant to proceedings taken or to be taken under color of the provisions of an act entitled "An act providing for the construction of sewers and sewer systems in cities of this State and the issuance of bonds for the cost thereof, and providing for collecting rentals for the use of such sewers and sewer systems," passed October eleventh, one thousand nine hundred and seven, and the acts amendatory thereof and supplementary thereto, and to validate such proceedings.

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

Bond issue for sewer purposes validated.

1. All bonds heretofore or hereafter issued or the issuance of which has been heretofore authorized, or which may be hereafter authorized in any city of this State, pursuant to proceedings taken or to be taken under color of the provisions of an act of the Legislature of the State of New Jersey, entitled "An act providing for the construction of sewers and sewer systems in cities of this State, and the issuance of bonds for the cost thereof, and providing for collecting rentals for the use of such sewers and sewer systems," passed October eleventh, one thousand nine hundred and seven, and the several supplements thereto and acts amendatory thereof, are hereby validated, authorized and confirmed, as the valid and legally binding obligations of such city; and all such proceedings are hereby validated, legalized and confirmed, and all bonds issued under such proceedings shall be and are hereby declared to be valid and legally binding obligations of such city.

2. This act shall take effect immediately.

Approved April 20, 1909.

CHAPTER 214.

An Act providing for the sale of unclaimed goods and chattels and for the disposition of unclaimed money by police departments of this State.

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

Unclaimed goods recovered by police, to be sold.

1. All goods and chattels which shall come into the possession of the police department of any municipality of this State by finding, or by being recovered as the result of theft or robbery, and which is, or shall be in the possession of the police department for one year, and when the owner or owners are unknown, cannot be found, or refuse to receive said goods or chattels, may, in whole or in part, be exposed for sale by the board of police commissioners or other body having control of the police department, at public auction in some public place between the hours of ten o'clock in the forenoon and four o'clock in the afternoon upon a notice of said sale being first published for the space of five days in some newspaper circulating in the municipality in which such goods and chattels are held, and the proceeds of such sale, after deducting the expenses of said sale, shall be paid into the treasury of the municipality, to be disbursed as other funds of the municipality are disbursed.

Proceeds turned into municipal treasury.

Money not claimed turned into treasury.

2. All money which shall come into the possession of the police department of any municipality of this State from prisoners or by finding, or by being recovered as the result of theft or robbery, and which is, or shall be in the possession of the police department for one year, the owner or owners of which are unknown, cannot to be found, or refuse to receive said money, said money shall be paid into the treasury of the municipality, to be disbursed as other funds of the municipality are disbursed.

3. This act shall go into effect immediately.

Approved April 20, 1909.

CHAPTER 215.

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*:

Leave by court to bring action against lunatic.

1. No action at law or in equity shall be brought or maintained against any person who has been decreed and adjudged by the Court of Chancery, upon inquisition, to be a lunatic within one month after the appointment of a guardian, unless by special leave of the court wherein such action is intended to be brought.

2. This act shall not be construed to in anywise interfere with actions now pending or rights of actions which now exist.

3. This act shall take effect immediately.

Approved April 20, 1909.

CHAPTER 216.

Supplement to an act entitled "An act concerning roads" (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*:

All vehicles drawn by animals must display light at night.

1. Every vehicle drawn by horse, horses or other beasts shall carry, during the period from one hour after sunset to one hour before sunrise, at least one lighted lamp, showing a light visible at least two hundred and fifty feet. Said light shall be so displayed that it may be seen, either in the direction toward which or from which the vehicle is proceeding; and if

any person shall offend against this provision, such person shall forfeit and pay the sum of one dollar for the use of the township, to be sued for and recovered by any person who shall sue for the same.

Motor vehicle law not affected.

2. This act shall not be construed to affect in any way legislation regarding motor vehicle lights.

Approved April 20, 1909.

CHAPTER 217.

An Act to amend an act entitled "An act for the establishment of workhouses in the several counties in this State," passed February twentieth, one thousand seven 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 the act entitled "An act for the establishment of workhouses in the several counties in this State," passed February twentieth, one thousand seven hundred and ninety-nine, be amended as follows:

Freeholders may enlarge workhouse.

1. The board of chosen freeholders of every county in this State are hereby authorized, whenever they may think proper, to build or purchase a workhouse at such place in the county as the said corporation shall think fit, or to build such addition or additions as they may deem necessary to any workhouse already built or purchased.

2. This act shall take effect immediately.

Approved April 20, 1909.

CHAPTER 218.

An Act to amend the title of the act entitled "An act to authorize cities to construct sewers and drains, and to provide for the payment of the cost thereof," approved March eighth, one thousand eight hundred and eighty-two, so that said title shall read as follows: "An act to authorize cities to construct sewers and drains, and to provide for the payment of the cost thereof, and for the assessment of the benefits of such construction upon the land and real estate benefited thereby."

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

1. The title to the act of which this act is amendatory is hereby amended so as to read as follows: Title amended.

"An act to authorize cities to construct sewers and drains, and to provide for the payment of the cost thereof, and for the assessment of the benefits of such construction upon the land and real estate benefited thereby." New title.

2. This act shall take effect immediately.

Approved April 20, 1909.

CHAPTER 219.

An Act to amend an act entitled "A further supplement to an act entitled 'An act concerning cities of the first class in this State, and constituting municipal boards of street and water commissioners, and defining the powers and duties of such municipal boards, and relating to the municipal affairs and departments of such cities placed under the control and management of such boards, and providing for the maintenance of the same,' approved March twenty-eighth, one thousand eight hundred and

ninety-one," and which supplement was passed May 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 3 amended.

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

Salary of street and water commissioners.

3. The boards of street and water commissioners of cities of the first class, as constituted under the second section of this act, shall be substituted for such boards as now constituted, and shall be vested with all the authority, powers and rights now vested in such boards of street and water commissioners, and perform all duties now imposed upon such boards, and that each of such commissioners shall be paid an annual salary of three thousand dollars, payable monthly.

Repealer.

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

Approved April 20, 1909.

CHAPTER 220.

An Act to amend an act entitled "An act to provide for the permanent improvement of public roads in this State (Revision of 1905)," approved March twenty-seventh, one thousand nine hundred and five.

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

Section 11 amended.

1. Section eleven of the act referred to in the title of this act is hereby amended to read as follows:

County supervisor of roads and engineer.

11. After the first county road shall have been constructed under this act in any county, it shall be the duty of the board of chosen freeholders to appoint

some suitable person as county supervisor of roads, and a qualified civil engineer as county engineer, who, before assuming the duty of their offices, shall each make and subscribe an oath or affirmation that he will faithfully perform all the duties of his office to the best of his ability and understanding. Such supervisor and engineer shall hold their offices for three years and until a successor is appointed and qualified. Each shall give bond to the board of chosen freeholders in the penal sum of one thousand dollars, conditioned for the faithful performance of the duties of his office, with such surety or sureties as the board shall approve, and shall receive such compensation for his services as the said board shall determine. Nothing in this act contained, however, shall affect the term of office of any county engineer having a term of office prescribed by statute. Said supervisor may be summarily dismissed at any time by the board of chosen freeholders or the State Commissioner of Roads whenever in its or his judgment such supervisor is incompetent or neglectful in the performance of his duties, in which event the board of chosen freeholders shall immediately appoint a new supervisor to hold for the unexpired term of the supervisor so discharged. The said board of chosen freeholders shall appropriate all moneys necessary to keep any and all roads constructed under this act in good repair and free from obstructions, and if the board shall have no money which may be lawfully used for such purposes, it shall have the power to borrow the same, on the credit of the county, until the next annual taxes shall have been levied and collected. The cost of all repairs and removal of obstructions shall be paid by the county collector, upon the order of the board of chosen freeholders, and all bills for repairs and removal of obstructions shall be verified by affidavit, and shall be certified to be correct by the county supervisor of roads.

Term.

Bond.

Right to dismiss supervisor.

Maintenance of roads.

Cost paid.

2. This act shall take effect immediately.

Approved April 20, 1909.

CHAPTER 221.

A Further Supplement to an act entitled "An act for the punishment of crimes (Revision of eighteen 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*:

No liquor advertisements on buildings where liquor is sold.

1. It shall be unlawful to display on the exterior of any building or place in which the sale of spirituous, vinous, malt or brewed liquors is conducted and carried on, either at wholesale or retail, any sign, illustration or advertisement bearing or exhibiting the name, designation, trade-mark or other emblem of any person, firm or corporation engaged in the manufacture, distribution or sale of spirituous, vinous, malt or brewed liquors, or kind, description, quality or brand of any such liquors sold, manufactured, dealt or trafficked in, in any such place; *provided, however,* that nothing in this act contained shall be construed to prevent any person, firm or corporation engaged in such wholesale or retail liquor business, in any place in any building, as aforesaid, from displaying, by a sign or other method on the exterior of any such building or place of business, the name of the person, firm or corporation there engaged in any such business, and the character of such business.

Proviso.

Displays on doors or windows limited.

2. It shall be unlawful to display in or upon any show window or door of any place where the sale of spirituous, vinous, malt or brewed liquors is carried on, either at wholesale or retail, as aforesaid, any sign, illustration or advertisement bearing or exhibiting the name, designation, trade-mark or other emblem of any person, firm or corporation engaged in the manufacture, distribution or sale of spirituous, vinous, malt or brewed liquors, or the kind, description, quality or brand of any such liquors sold, manufactured, dealt or trafficked in, in any such place, of more than twenty square feet in area.

3. The owner of any building who knowingly permits the violation of the provisions of this act, and any person who shall violate, cause to be violated, or permit to be violated, any of the provisions of this act shall be deemed guilty of a misdemeanor. Liability of owner of building.

Approved April 20, 1909.

CHAPTER 222.

An Act to enable cities of this State to appropriate annually money for the support of an art, science and industrial museum therein.

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 body having charge of the finances of any city of this State, to appropriate annually for the support of an art, science and industrial museum located within such city and organized for the benefit of the public, such sum of money as it shall determine, and to raise such amount by taxation, or to pay the same from the general fund of such city, and to pay the same to the proper authorities of such museum for the support thereof. Support city museum.

2. This act shall take effect immediately.

Approved April 20, 1909.

CHAPTER 223.

An Act to attend "A supplement to an act entitled 'A general act relating to boroughs'" (Revision of 1897), approved April twenty-fourth, one thousand eight hundred and ninety-seven, and the supplement approved March twenty-ninth, one thousand, nine hundred and four.

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

Vacancies in council.

1. Whenever the office or offices of one or more of the councilmen of any borough in this State shall become vacant by reason of death, disability, resignation or any other cause, it shall be lawful to fill such vacancy or vacancies by appointment, and the person or persons so appointed shall hold office until noon on the first day of January following the next annual election and their successors shall have qualified; the mayor shall, with the advice and consent of a majority of the remaining members of the council, appoint the councilman or councilmen to fill such vacancy or vacancies as above provided.

2. This act shall take effect immediately.

Approved April 20, 1909.

CHAPTER 224.

An Act to authorize the acquisition of land and the erection of an armory thereon in the city of East Orange, county of Essex, New Jersey.

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

Armory in East Orange.

1. The State Military Board is hereby constituted a commission to select and purchase, on behalf and in the name of the State of New Jersey, the lands

and premises, with the buildings thereon erected, and the appurtenances thereunto belonging, in the city of East Orange, now occupied and used by Battery A, Field Artillery, of the National Guard of the State of New Jersey, as an armory, and to cause the armory now erected thereon to be rebuilt or a new armory to be erected thereon, as an artillery armory for the use of the said Battery A, Field Artillery, and to suitably equip the same, when rebuilt or erected as aforesaid, with the necessary stables and range or ranges suitable for revolver and sub-calibre artillery practice, and with all necessary fittings, furnishings and apparatus for heating the same; or the said commission may, in its discretion, purchase or otherwise acquire such other lands and premises as may be suitable or convenient for the erection of such armory, and erect thereon and equip, in the manner aforesaid, an armory for the use of said Battery A, Field Artillery as aforesaid; *provided, however,* that the State of New Jersey shall not be obliged to pay more than one hundred thousand dollars for the entire cost of purchasing the necessary lands and premises and rebuilding or erecting and equipping such armory as aforesaid.

Equipment.

Proviso.

Total cost.

2. If such lands, or any part of them, cannot be obtained by agreement with the owner or owners thereof, said commission shall acquire the title thereto by the exercise of the right of eminent domain in proceedings at law taken and had under and in accordance with the provisions of an act entitled "An act to regulate the ascertainment and payment of compensation for property condemned or taken for public use" (Revision of 1900), approved March twentieth, one thousand nine hundred, and the amendments thereof and supplements thereto.

Land acquired by condemnation.

3. For the payment of expenses herein authorized the Comptroller of the Treasury shall draw his warrant on the State Treasurer, and the State Treasurer shall pay the same from time to time as the said commission shall certify to the Comptroller to be necessary, and to such persons as they may designate, but not more than fifty thousand dollars shall be drawn from

Payment.

the State Treasury in one year for the purchase or other acquisition of such land and premises and rebuilding or erection of such armory as aforesaid; *provided, however,* that no money shall be paid from the State Treasury for the purchase or other acquisition of such land and premises and the rebuilding or erection of such armory until the amount determined to be necessary for the purchase or other acquisition of such land and premises and the rebuilding or erecting and equipping of such armory shall be determined, and the whole or part thereof shall be appropriated by the Legislature for such purpose. The commission may, however, ascertain the amount necessary for the purpose of acquiring the necessary lands and cause plans and specifications to be prepared and bids or proposals to be made thereon for the purpose of ascertaining the necessary amount of money to be appropriated.

Proviso.

May invite proposals.

4. This act shall take effect immediately.

Approved April 20, 1909.

CHAPTER 225.

A Further Supplement to an act entitled "An act for the appointment of fire wardens, the prevention of forest fires and the repeal of sundry acts relating thereto," approved April eighteenth, one thousand nine hundred and six.

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

1. Whenever a fire shall have occurred contrary to the provisions of the act to which this act is a supplement, the person or persons responsible therefor may, in the discretion of the Forest Park Reservation Commission, pay the cost of extinguishing said fire, or such part thereof, at such time and in such manner as said commission shall determine. Such payment, when fin-

Payment of cost of extinguishing forest fires by parties causing same a relief from penalty.

ally made, shall relieve the person or persons making it of the penalty for said violation imposed by the act to which this act is a supplement. All payments made under this act shall be to the executive officer of said commission, who shall promptly disburse the same in such manner as will relieve in equal degree the township and the State of the expense of extinguishing said fire.

2. This act shall take effect immediately.

Approved April 20, 1909.

CHAPTER 226.

An Act to amend an act entitled "An act to amend an act entitled 'An act authorizing and empowering towns in this State to appoint assessors of taxes, and regulating the salaries and compensation of such assessors,' approved April tenth, one thousand nine hundred and eight," which amendment was approved April twelfth, one thousand nine hundred and nine.

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

1. Section two of the act to which this is an amendment is hereby amended so as to read as follows: Section 2 amended.

2. Such assessor or assessors shall be appointed at a regular meeting of such Common Council, Board of Aldermen, or other governing body, the number to be elected and the salary or compensation to be paid, having first been determined by resolution or ordinance of the Common Council, Board of Aldermen, or other governing body, duly passed and adopted. Appointment of assessors.

The salary or compensation of such assessor, in case one is appointed for such town, shall not exceed the sum of twelve hundred dollars per annum, and in case three are appointed the salary or compensation of each Salary.

shall not exceed the sum of five hundred dollars per annum; *provided, however,* that in case three are appointed, they shall select one of their number to be clerk of such assessors, and he shall receive such additional compensation as the Common Council, Board of Aldermen, or other governing body, may by ordinance prescribe, not to exceed three hundred dollars per annum.

Proviso.

2. This act shall take effect immediately.

Approved April 20, 1909.

CHAPTER 227.

A Supplement to an act entitled "An act for the assessment and collection of taxes," approved April eighth, one thousand nine hundred and three.

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

County property exempt from taxation.

1. Any building or buildings, the property of any county, and the land whereon the same are situated, not exceeding fifty acres in extent in any one taxing district, shall be exempt from taxation; but all that portion of any tract of land upon which any such building or buildings are situated, or which is connected therewith, which is in excess of fifty acres in extent in any one taxing district, shall be subject to taxation by such taxing district, notwithstanding anything contained in the act to which this act is a supplement; *provided, however,* that all lands forming a part of any county park system shall remain and be exempt from taxation.

Proviso.

Approved April 20, 1909.

CHAPTER 228.

An Act to tax the transfer of property, of resident and non-resident decedents, by devise, bequest, descent, distribution by statute, gift, deed, grant, bargain and sale, in certain cases.

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

Transfer tax on decedents' property.

1. A tax shall be and is hereby imposed upon the transfer of any property, real or personal, of the value of five hundred dollars or over, or of any interest therein or income therefrom, in trust or otherwise, to persons or corporations, in the following cases:

Resident of State.

First. When the transfer is by will or by the intestate laws of this State from any person dying seized or possessed of the property while a resident of the State.

Non-resident.

Second. When the transfer is by will or intestate law, of property within the State, and the decedent was a non-resident of the State at the time of his death.

Of property transferred before death to take effect afterwards.

Third. When the transfer is of property made by a resident or by a non-resident, when such non-resident's property is within this State, by deed, grant, bargain, sale or gift made in contemplation of the death of the grantor, vendor or donor, or intended to take effect, in possession or enjoyment, at or after such death.

Estate in expectancy.

Fourth. When any person or corporation comes into the possession or enjoyment, by a transfer from a resident or non-resident decedent when such non-resident decedent's property is within this State, of an estate in expectancy of any kind or character which is contingent or defeasible, transferred by an instrument taking effect after the passage of this act, or of any property transferred pursuant to a power of appointment contained in any instrument taking effect after the passage of this act.

Rate of tax payable to State.

All taxes imposed by this act shall be at the rate of five per centum upon the clear market value of such property, to be paid to the Treasurer of the State of

New Jersey, for the use of said State, and all administrators, executors, trustees, grantees, donees or vendees, shall be personally liable for any and all such taxes until the same shall have been paid as hereinafter directed, for which an action of debt shall lie in the name of the State of New Jersey.

Exemptions.

Property passing to churches, hospitals and orphan asylums, public libraries, Bible and tract societies, religious, benevolent and charitable institutions and organizations, or to a father, mother, husband, wife, child or children, or lineal descendent born in lawful wedlock, brother or sister, or the wife or widow of a son, or the husband of a daughter, shall be exempt from taxation under this act, but no other exemption of any kind shall be allowed.

Estate in remainder.

2. When any persons shall bequeath or devise, convey, grant, sell or give any property or interest therein, or income therefrom, to any person or corporation for life or for a term of years, and a vested interest in the remainder or corpus of said property to any person, or to any body politic or corporate, the whole of said property, so transferred as aforesaid, shall be appraised immediately at its clear market value, and after deducting from such appraisement the value of the estate for life or estate for a term of years, the tax on such life estate or for a term of years, if taxable under this act, shall be immediately levied and assessed, and the tax on the remainder of the property so as aforesaid transferred, if such property is taxable under this act, shall be levied and assessed immediately, but such tax shall not become due or payable until the time or period arrives when said remainderman, or his representatives, shall become entitled to the actual possession or enjoyment of such property, and shall then become due and payable immediately, and, if not paid within thirty days, interest at the rate of ten per centum per annum shall be charged and collected from the time when said tax became due and payable. If the property passing to a remainderman, as hereinabove provided, be personal property, such remainderman, or the executor or trustee of the estate, shall give a bond to the State of New

Tax on life estate.

When remainderman to settle.

Bond given if property personal.

Jersey in double the amount of the tax on the property of such remainderman, conditioned to pay said tax, and any interest which may fall due thereon, said bond to be approved as to the form and sufficiency thereof by the Attorney-General of this State, and any executor or trustee who shall assign or deliver to any such remainderman any personal property liable to a tax under this act, unless a bond be given as specified in this section, or said tax be paid, shall be personally liable for said tax and all interest due thereon, which liability may be enforced in an action of debt in the name of the State of New Jersey.

Liability of executor or trustee.

3. Where an instrument creates an executory devise, or an estate in expectancy of any kind or character which is contingent or defeasible, the property transferred in accordance with such executory devise or the property in which such contingent or defeasible interest is created by any such instrument, shall be appraised immediately at its clear market value, and after deducting from such appraisement the value of the life estate, or estate for a term of years, created by such instrument, the tax on such life estate or estate for a term of years, if taxable under this act, shall be immediately levied and assessed, but the tax on the balance of said appraised value of such estate shall not be levied or assessed until the person or corporation entitled to said property comes into the beneficial enjoyment, seizin or possession thereof, and if taxable, shall then be taxed. Where an instrument creates a power of appointment, the life estate, or estate for a term of years, created and transferred by such instrument, if taxable, shall be immediately appraised and taxed at its clear market value, but the appraisal and taxation of the interest or interests in remainder to be disposed of by the donee of power shall be suspended until the exercise of the power of appointment, and shall then be taxed, if taxable, at the clear market value of such property, which value of such property shall be determined as of the date of the death of the creator of the power.

When property contingent or defeasible.

Appraisement and deduction.

When balance due.

If power of appointment, life estate taxed immediately.

A tax on an estate for life or on an estate for a term of years, levied and assessed as directed in this section,

As to time of payment.

shall be due and payable as provided in section five of this act. All other taxes levied and assessed as directed in this section and all taxes on any property which may be transferred to the residuary legatees, heir or next of kin of any decedent, or which may revert to the heir of any decedent by reason of the failure of any contingency upon which any remainder may be limited, shall be due and payable within two months after the person entitled to the property shall come into the enjoyment, seizin or possession thereof, and if not paid shall thenceforth bear interest at the rate of ten per centum per annum until paid. No executor or trustee shall turn over any property of an estate mentioned in this section until the tax due thereon, and interest, if any, shall have been paid to the Treasurer of this State, and any executor or trustee who shall turn over any property prior to the payment of the tax due thereon, together with interest, shall be personally liable for such tax and interest, which said liability may be enforced by an action of debt in the name of the State of New Jersey.

Executors and trustees not to turn over estate until tax due State is paid.

Comptroller may agree to compound taxes.

The Comptroller of the Treasury of this State, by and with the consent of the Attorney-General, expressed in writing, is hereby empowered and authorized to enter into an agreement with the executors or trustees of any estate in which remainders or expectant estates have been of such a nature, or so disposed and circumstanced that the taxes therein were held not presently payable, or where the interest of the legatees or devisees were not ascertainable at the death of the testator, grantor, donor or vendor, and to compound such taxes upon such terms as may be deemed equitable and expedient; and to grant discharge to said executors and trustees upon the payment of the taxes provided for in such composition; *provided, however,* that no such composition shall be conclusive in favor of said executors or trustees as against the interest of such cestuis que trust as may possess either present rights of enjoyment, or fixed, absolute or indefeasible rights of future enjoyment, or of such as would possess such rights in the event of the immediate termination of particular

Proviso.

estates, unless they consent thereto, either personally, when competent, or by guardian or committee.

Settlement with executors named as legatees.

4. Whenever a decedent appoints or names one or more executors or trustees, and makes a bequest or devise of property to them in lieu of their commissions or allowances, which otherwise would be liable to said tax, or appoints them his residuary legatees, and said bequest, devise or residuary legacy exceeds what would be a reasonable compensation for their services, such excess shall be liable to said tax, and the Ordinary, or the Orhpans' Court, having jurisdiction in the case, shall fix such compensation.

When taxes due.

5. All taxes imposed by this act shall be due and payable at the death of the testator, intestate, grantor, donor vendor, unless in this act otherwise provided, and if the same are paid within one year a discount of five per centum shall be allowed and deducted from such taxes; if not paid within one year from the date of the death of the testator, intestate, grantor, donor or vendor, such tax shall bear interest at the rate of ten per centum per annum, to be computed from the expiration of one year from the date of the death of such testator, intestate, grantor, donor or vendor, until the same is paid, and in all cases where the executors, administrators, grantees, donees, vendees or trustees do not pay such tax within one year from the death of the decedent they shall be required to give a bond, in the form and effect prescribed in section two of this act, for the payment of such tax, together with interest.

Discounts.

Penalty for not paying within year.

Taxes a lien.

All taxes levied and assessed under this act on the transfer of any real property shall be and remain a lien on said real property until paid.

Penalty not enforced if delay just.

6. The penalty of ten per centum per annum imposed by section five hereof for the non-payment of said tax shall not be charged where in cases by reason of claims made upon the estate necessary litigation or other unavoidable cause of delay the estate of any decdent, or a part thereof, cannot be settled at the end of a year from the death of the decedent, and in such cases only six per centum per annum shall be charged upon the said tax from the ex-

piration of such year until the cause of such delay is removed.

Deduction of tax before delivering bequest to legatee.

7. Any administrator, executor or trustee having in charge or trust any legacy or property for distribution, subject to said tax, shall deduct the tax therefrom, or if the legacy or property be not money he shall collect the tax thereon upon the appraised value thereof from the legatee or persons entitled to such property, and he shall not deliver or be compelled to deliver any specific legacy or property subject to tax to any person until he shall have collected the tax thereon, and whenever any such legacy shall be charged upon or payable out of real estate, the heir or devisee, before paying the same, shall deduct said tax therefrom and pay the same to the executor, administrator or trustee, and the payment thereof shall be enforced by the executor, administrator or trustee in the same manner that the payment of such legacy might be enforced; if, however, such legacy be given in money to any person for a limited period he shall retain the tax upon the whole amount, but if it be not in money he shall make application to the court having jurisdiction of his accounts to make an apportionment, if the case require it, of the sum to be paid into his hands by such legatees, and for such further order relative thereto as the case may require.

Right to sell property to meet tax.

8. All executors, administrators and trustees shall have full power to sell so much of the property of the decedent as will enable them to pay said tax in the same manner as they may be enabled by law to do for the payment of debts of their testators and intestates, and the amount of said tax shall be paid as hereinafter directed.

Payment to State within 30 days.

9. Any sum of money retained by an executor, administrator or trustee, or paid into his hands for any tax due under this act, shall be paid by him within thirty days thereafter, to the Treasurer of this State, and the person so paying shall be entitled to receive a receipt signed by the Treasurer of this State and countersigned by the Comptroller thereof, for such payment, which receipt shall be a proper voucher in the

settlement of the account of any such executor, administrator or trustee; such person so paying, in addition to the foregoing receipt, shall, if the tax paid be in part or in whole upon real property, be entitled to receive an additional receipt, signed by the Treasurer of this State and countersigned by the Comptroller thereof, in which shall be designated upon what real property, if any, said tax has been paid, and by whom paid, and whether or not it is in full of said tax on said real property, and said receipt may be recorded in the clerk's office of the county in which said real property is situated, in a book which shall be kept by said clerk for such purpose and labeled "collateral tax."

Collateral tax book in county clerk's office.

10. Whenever any of the real estate of which any decedent may die seized shall pass to any body politic or corporate, or to any person other than the father, mother, husband, wife, child, or lineal descendant born in lawful wedlock, brother or sister, wife or widow of a son, or husband of a daughter, or in trust for them, or some of them, it shall be the duty of the executors, administrators or trustees of such decedent to give information thereof in writing to the Comptroller of the Treasury of this State within six months after they undertake the execution of their respective duties, or, if the fact be not known to them within that period, then within one month after the same shall have come to their knowledge.

Comptroller informed of passage of real estate.

11. Whenever any debts shall be proven against the estate of the decedent, after the payment of the legacies or distribution of property from which the said tax has been deducted, or upon which it has been paid, and a refund is made by the legatee, devisee, heir, or next of kin, a proportion of the tax so paid shall be repaid to him by the executor, administrator or trustee, if the said tax has not been paid to the State Treasurer, or by the State Treasurer, if the same has been paid into the State treasury.

Refund in case of debts proven after payments.

12. If a foreign executor, administrator or trustee shall assign or transfer any stock or obligations in this State standing in the name of a decedent, or standing in the joint names of such a decedent and one or more

Tax on transfer of stocks by foreign executor.

persons, or in trust for a decedent, liable to any such tax, the tax shall be paid to the Treasurer of this State on the transfer thereof. No corporation of this State shall transfer any such stock, unless notice of the time of such intended transfer be served upon the Comptroller of the treasury of this State at least ten days prior to such transfer, nor until said Comptroller shall consent thereto in writing. Any corporation making such a transfer without first obtaining the consent of the Comptroller of the treasury as aforesaid shall be liable for the amount of any tax which may thereafter be assessed on account of the transfer of such stock, together with the interest thereon, and in addition thereto a penalty of one thousand dollars, which liability for such tax and interest and said penalty herein prescribed may be enforced in an action of debt in the name of the State of New Jersey.

Corporations to give notice of intended transfer.

Penalty for illegal transfer.

On the transfer of property in this State of a non-resident decedent, if all or any part of the estate of such decedent wherever situated shall pass to persons or corporations who would have been taxable under this act, if such decedent had been a resident of this State, such property located within this State shall be subject to a tax, which said tax shall bear the same ratio to the entire tax which the said estate of such decedent would have been subject to under this act if such non-resident decedent had been a resident of this State, as such property located in this State bears to the entire estate of such non-resident decedent wherever situated; provided, that nothing in this clause contained shall apply to any specific bequest or devise of any property in this State.

Tax on transfer of property belonging to non-resident decedent.

Proviso.

13. The Comptroller of the Treasury of this State, either personally or by any of his employes, may investigate the question of the liability of any property to any tax due prior to the passage of this act, and if said Comptroller is satisfied that any taxes are due this State, he shall report such fact to the register of the prerogative court, or surrogate of the proper county, whereupon said register or surrogate shall cause said property to be taxed.

Liability of property investigated.

Table of determination used.

14. In determining the value of a life estate, annuity, or estate for a term of years, the American Experience Table of Mortality, with interest at the rate of five per centum per annum shall be used.

Refund erroneous payments.

15. When any amount of said tax shall have been paid erroneously to the State Treasurer, it shall be lawful for the Comptroller of the Treasury, on satisfactory proof rendered to him of such erroneous payments, to draw his warrant on the State Treasurer, in favor of the executor, administrator, person or persons who have paid any such tax in error, or who may be lawfully entitled to receive the same, for the amount of such tax so paid in error; *provided,* that all such applications for the repayment of such tax shall be made within two years from the date of such payment.

Proviso.

Comptroller notified by register or surrogate.

16. The register of the Prerogative Court and every surrogate of any county in this State shall, within ten days after the probate of any will, either foreign or domestic, of the filing of a copy of any foreign will, or the taking out of letters of administration, notify, in writing, the Comptroller of the Treasury of this State of such probate or administration; and any surrogate or the register of the Prerogative Court failing to notify said Comptroller in writing of the probate of any will, or the filing of a copy of any foreign will, or the taking out of any letters of administration, shall be liable to a penalty of two hundred dollars, to be recovered in an action of debt in the name of the State of New Jersey.

Penalty.

Comptroller empowered to examine papers, records, etc.

17. The Comptroller of the Treasury of this State, either personally or by his assistant or other employe, is hereby empowered to examine any and all papers, documents and files which now are or hereafter may be filed or lodged with the register of the prerogative court, or with the surrogate of any county or with any other official of this State or of any municipality thereof, or with any person or corporation, for the purpose of ascertaining what, if any, property is, or shall be, liable to the payment of the tax provided for by this act. The sum of ten thousand dollars is hereby appropriated to the Comptroller of the Treasury of

Appropriation.

this State for the purpose of enabling said Comptroller to carry out the provisions of this act.

Appointment of appraiser.

18. In order to fix the value of property of persons whose estates shall be liable to the payment of a tax under this act, whether the same be in the ownership of a resident or non-resident decedent, the Comptroller of the Treasury of this State on the application of any interested party, or upon his own motion, shall appoint some competent person as appraiser as often as and whenever occasion may require. Every such appraiser shall forthwith give notice, by mail, to such persons as the Comptroller of the Treasury of this State shall direct, of the time and place when and where he will appraise such property. He shall at such time and place appraise the same at its fair market value, and for that purpose the said appraiser is authorized to issue subpœnas and to compel the attendance of witnesses, and to take the evidence of such witnesses under oath concerning such property and the value thereof, and he shall make report thereof, and of such value, in writing to said Comptroller of the Treasury, together with such other facts in relation thereto as the said Comptroller of the Treasury may, by order, require, which report and other data required by said Comptroller shall be filed in the office of such Comptroller, and from said report the said Comptroller of the Treasury shall forthwith assess and fix the cash value of such estate and levy the tax to which the same is liable, and shall immediately give notice thereof, by mail, to all parties known by said Comptroller of the Treasury to be interested therein. Any person or corporation dissatisfied with said appraisement or assessment may appeal therefrom to the Ordinary of this State within sixty days after the making and filing of such assessment, on giving a bond, approved by the Ordinary of this State, conditioned to pay said tax so as aforesaid levied by the said Comptroller of the Treasury, together with interests and costs, if the said tax be affirmed by the Ordinary. Any person failing to attend before an appraiser after service of a sub-

Notice and appraisement.

Report.

Appeal may be taken to the ordinary.

Penalty for not obeying subpoena.

pœna, or refusing to give evidence concerning any estate, shall be liable to a penalty of two hundred dollars, to be recovered in an action of debt by the Comptroller of the Treasury.

Misconduct of appraiser.

19. Any appraiser appointed pursuant to the provisions of this act who shall take any fee or reward, either directly or indirectly, from any executor or administrator, or any other person liable to pay any tax or any portion thereof, under the provisions of this act, shall be guilty of a misdemeanor, and, on conviction, shall be punished by a fine not exceeding one thousand dollars, or by imprisonment not exceeding one year, or both, at the discretion of the court, and, in addition thereto, the Comptroller of the Treasury of this State shall immediately dismiss such appraiser from his employment. The compensation of said appraisers shall be a sum not exceeding five dollars per day, to be fixed and determined upon by the said Comptroller of the Treasury, and to be paid out of the treasury of this State. Such appraisers shall also be reimbursed for all actual expenses incurred in the discharge of their duties.

Penalty.

Compensation, per diem and expenses.

Jurisdiction.

20. The Ordinary of this State shall have jurisdiction to hear and determine all questions in relation to any tax levied under the provisions of this act.

If accrued tax not paid register of court to issue citation.

21. If it shall appear to the Comptroller of the Treasury of this State that any tax which has accrued under this act has not been paid according to law said Comptroller shall report such fact, in writing, to the register of the Prerogative Court, and said register shall issue a citation citing the persons or corporations interested in the property liable to said tax to appear before the Ordinary on a certain day, not more than three months from the date of such citation, and show cause why such tax should not be paid; the service of such citation and the subsequent proceedings had thereon shall conform to the practice prevailing in the Prerogative Court. Upon the making of any decree the register of the Prerogative Court shall, upon the request of the Comptroller of the Treasury of this State

Practice followed.

furnish one or more copies of said decree, and the same shall be docketed and filed by the clerk of the Supreme Court, or by the county clerk of any county in this State, upon the request of the Comptroller of the Treasury of this State, and the same shall have the same effect as a lien by judgment, and execution shall issue thereon according to the rules and practice appertaining to other judgments docketed and filed with said respective clerks.

Attorney-General to prosecute unpaid taxes.

22. Whenever the Comptroller of the Treasury of this State shall have reason to believe that any tax is due and unpaid under this act, after the neglect and refusal of the persons or corporations interested in the property and liable to said tax to pay the same, he shall notify the Attorney-General of this State, in writing, of such failure to pay such tax, and the said Attorney-General, when so notified, if he have probable cause to believe that a tax is due and unpaid, shall prosecute the proceeding before the Ordinary of this State, as provided for in section twenty-one of this act, and the State Treasurer shall, on the warrant of the Comptroller, pay all the expenses of said proceeding.

Records kept by comptroller.

23. The Comptroller of the Treasury of this State shall keep a record in his department of all returns made by appraisers, the cash value of annuities, life estates and term of years, and the amount of all taxes assessed by him; in addition to the foregoing the said Comptroller may enter in said books all other information and data which he may deem desirable or proper.

Information as to property liable to tax.

24. Whenever a resident of this State has died, or shall hereafter die, testate or intestate, seized or possessed of any property liable to the payment of a tax under the provisions of this act, and no letters testamentary or of administration have or shall have been taken out on such estate within one year from the date of the death of such person, or whenever there is property, real or personal, within this State owned by a non-resident decedent which is liable to

the payment of a tax under this act, and such non-resident decedent has been deceased for a period of three months without the tax due this State having been paid, it shall be lawful for the Comptroller of the Treasury of this State to enter into an agreement, in writing, with any person giving him information of the existence of property so liable to a tax, to pay to such person or persons out of any sum which may be collected from any such estate an amount not exceeding ten per centum thereof.

Allowance to informant.

25. Every executor, administrator, trustee, grantee, donee or vendee who willfully and knowingly subscribes or makes any false statement of facts, or knowingly subscribes or exhibits any false paper or false report with intent to deceive any appraiser appointed pursuant to the provisions of this act, shall be guilty of a misdemeanor and punished accordingly.

Penalty for false statements or reports.

26. The words "estate" and "property," wherever used in this act, except where the subject or context is repugnant to such construction shall be construed to mean the interest of the testator, intestate, grantor, bargainor or vendor, passing or transferred to the individual or specific legatee, devisee, heir, next of kin, grantee, donee or vendee, not exempt under the provisions of this act, whether such property be situated within or without this State. The word "transfer," as used in this act, shall be taken to include the passing of property, or any interest therein, in possession or enjoyment, present or future, by distribution by statute, descent, devise, bequest, grant, deed, bargain, sale or gift.

Definitions.

27. In case for any reason any section or any provision of this act shall be questioned in any court, and shall be held to be unconstitutional or invalid, the same shall not be held to affect any other section or provision of this act.

Invalidity of part not to affect other sections.

28. All acts and parts of acts inconsistent with the provisions of this act are hereby repealed, but nothing in this repealer shall affect or impair the lien of any taxes heretofore assessed, or any tax due and payable,

Repealer.

Action heretofore not impaired.

or any remedies for the collection of the same, or to surrender any remedies, powers, rights or privileges acquired by the State under any act heretofore passed, or to relieve any person or corporation from any penalty imposed by said acts.

Approved April 20, 1909.

CHAPTER 229.

A Supplement to an act entitled "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 and nine," approved April sixteenth, one thousand nine hundred and eight.

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

Supplemental appropriations.

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 supplying deficiencies in former appropriations for the fiscal year ending October thirty-first, one thousand nine hundred and nine:

I.

COLLATERAL INHERITANCE TAX.

Refunding inheritance taxes.

For the purpose of refunding inheritance taxes paid on stocks of New Jersey corporations owned by non-resident decedents, which stocks have been declared by the Court of Errors and Appeals to be not taxable under our inheritance law of one thousand eight hundred and ninety-four; *provided,* that applications for the repayment of such taxes shall be made to the State

Proviso.

Comptroller within two years from the date of the payment of the same, twenty-five thousand dollars.

2.

JUDICIAL RETIREMENT FUND.

Pensions to judges.

For additional allowance for the purpose of carrying out the provisions of chapter three hundred and thirteen, laws of one thousand nine hundred and eight, two thousand sixty-five dollars and thirty-five cents.

3.

OYSTER AND CLAM COMMISSIONER OF THE DISTRICT OF SHARK RIVER, IN THE COUNTY OF MONMOUTH.

Oyster commissioner.

To A. Frank Bennett, Jr., for services as oyster and clam commissioner of the district of Shark river, in the county of Monmouth, pursuant to chapter fourteen, laws of one thousand nine hundred and five, one hundred five dollars and seventy-five cents.

4.

CONSTITUTIONAL AMENDMENTS.

Advertising constitutional amendments.

For payments to newspapers for publishing the proposed constitutional amendments of the session of one thousand nine hundred and eight, thirty thousand nine hundred dollars;

Election expenses.

For advertising and expenses for the special election to vote upon the proposed constitutional amendments, five thousand dollars.

5.

STATE BOARD OF ASSESSORS.

State assessors.

For additional allowance for postage, expressage and other incidental expenses for the State Board of Assessors, six hundred dollars;

For additional allowance 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, six hundred dollars.

6.

OFFICE OF THE SECRETARY OF STATE.

Secretary of state.

For additional allowance for services and expenses for the purpose of carrying out the provisions of "An act respecting the recording of certificates and other papers relating to and affecting corporations," approved March twenty-eighth, one thousand nine hundred and four, five hundred dollars;

For additional allowance for postage, expressage and other incidental expenses for the office of Secretary of State, one thousand dollars;

For purchase of corporation laws at a rate not to exceed fifty cents per volume, one thousand two hundred and fifty dollars.

7.

ATTORNEY-GENERAL'S DEPARTMENT.

Attorney-General.

For additional compensation and expenses of assistants employed by the Attorney-General, three hundred dollars;

For additional compensation for services previously rendered by Honorable Bennet Van Syckel in argument of taxation case of Morris Canal and Banking Company *v.* David Baird, et al., to be paid upon the approval of the Governor, two thousand dollars.

8.

BOARD OF EQUALIZATION OF TAXES.

Equalization of taxes.

For additional clerical services, three hundred and fifty dollars;

For additional allowance for postage, expressage and other incidental expenses for the Board of Equalization of taxes, four hundred dollars.

9.

STATE BOARD OF HEALTH.

Board of health.

For additional allowance for maintenance of the bacteriological laboratory, three hundred sixty-one dollars and sixty-two cents;

For additional allowance for sending reports of the State Board of Health to physicians of the State, fifty dollars.

10.

STATE HOME FOR BOYS.

Jamesburg school.

For premiums on fire insurance policies, two thousand dollars;

For water supply, two thousand eight hundred and eight dollars.

11.

DEPARTMENT OF LABOR.

Factory inspectors.

For additional allowance for salaries of inspectors, three thousand eight hundred and seventy-five dollars.

12.

STATE PRISON.

Prison.

For additional allowance for maintenance of convicts, fourteen thousand dollars.

13.

COURT OF CHANCERY.

Chancery.

For additional allowance for the Chancellor, for salary, three hundred twenty-two dollars and fifty-eight cents;

For additional allowance for compensation of sergeants-at-arms, six hundred dollars;

For additional allowance for compensation of stenographer for the Chancellor, fifty dollars.

14.

NEW JERSEY HOME FOR DISABLED SOLDIERS, SAILORS, MARINES AND THEIR WIVES AND FOR THEIR WIDOWS, AT VINELAND.

Vineland home.

For additional allowance for maintenance and all other expenses, fifteen thousand dollars;

For amount required to meet deficit for the year ending October thirty-first, one thousand nine hundred and eight, for maintenance and repairs to buildings, ten thousand eight hundred eighty-nine dollars and fifty-nine cents;

For supplying the old buildings with electric and gas combination fixtures, nine hundred and thirty dollars.

15.

STATE OYSTER COMMISSION.

Fix monuments.

For re-establishment and re-erection of shore monuments so that the limits of the lands embraced within the leases issued by the Commission may be accurately fixed and easily located, as required by the act of March twenty-fourth, eighteen hundred and ninety-nine, and the amendments thereof and supplements thereto all to be on the marsh lands within the limits of the State of New Jersey, three hundred dollars.

16.

BOARD OF FISH AND GAME COMMISSIONERS.

For maintenance and other expenses of the Board of Fish and Game Commissioners, ten thousand two hundred sixteen dollars and ninety-one cents; Disapproved.

For additional allowance for printing game laws, license blanks et cætera, three hundred and seventy-five dollars. Printing.

17.

LEGISLATURE.

To James Parker, one hundred dollars, being balance of salary as Clerk of the House of Assembly for the session of one thousand nine hundred and eight, unpaid from the appropriation of said year, because the minutes failed of completion previous to October thirty-first, one thousand nine hundred and eight; Legislative expenses.

For additional allowance for incidental and contingent expenses of the present session of the Legislature, twenty thousand seven hundred dollars; all bills to be approved by the Committee on Incidental Expenses and filed with the Comptroller before final adjournment of the Legislature.

18.

VILLAGE FOR EPILEPTICS.

For additional allowance for the steward, for salary, five hundred dollars; Epileptic village.

For additional allowance for the second assistant physician, for salary, four hundred dollars;

For additional allowance for maintenance, including fuel and light, one thousand dollars;

For alterations and improvements to Meadowside Cottage, including the addition of toilet facilities and sewer connections, one thousand five hundred dollars.

19.

NEW JERSEY BANK TAX COMMISSION.

Bank tax commission.

To Arthur W. Kelly, for services and expenses incurred as secretary to the New Jersey Bank Tax Commission, four hundred seventy-one dollars and seventy-one cents.

20.

STATE HOUSE COMMISSION.

State House.

For the State House Commission, for additional allowance for the care and safekeeping 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, fifteen thousand dollars.

For the State House Commission, for extraordinary repairs and furnishings, three thousand dollars.

21.

STATE HOSPITAL AT TRENTON.

Trenton asylum.

For additional allowance for salaries of officers, eight hundred dollars.

22.

HOME FOR THE CARE AND TRAINING OF FEEBLE-MINDED WOMEN AT VINELAND.

Women's home at Vineland.

For payment of premiums for fire insurance upon the Home for the Care and Training of Feeble-Minded Women at Vineland, seven hundred ninety-six dollars and five cents.

23.

STATE NORMAL SCHOOL AT TRENTON.

Trenton Normal school.

For payment on account of purchase price of additional land for the use of the State Normal School at Trenton, one thousand dollars.

24.

INDUSTRIAL EDUCATION.

Manual training.

For additional allowance for payments to schools for manual training, two thousand five hundred dollars.

25.

NEW JERSEY REFORMATORY.

Rahway reformatory.

For additional allowance for the subordinate officers and employes, for salaries, three thousand dollars;

For additional allowance for maintenance, six thousand dollars;

For rent of house for superintendent, three hundred fifty-three dollars and seventy-five cents;

For premiums on fire insurance policies, five hundred dollars.

26.

SANATORIUM FOR TUBERCULOUS DISEASES.

Glen Gardner sanatorium.

For additional allowance for maintenance, ten thousand dollars;

For allowance for general house repairs, two hundred and fifty dollars;

For furniture, five hundred dollars;

For farm additions and betterments, one thousand dollars.

27.

DEPENDENCY AND CRIME COMMISSION.

Commission on crime and dependency.

For services rendered to the Dependency and Crime Commission, and expenses incurred, pursuant to chapter one hundred and forty, laws of one thousand nine hundred and eight, in addition to the amount heretofore paid from the emergency fund, two thousand five hundred eleven dollars and five cents.

28.

STATE NORMAL SCHOOL AT MONTCLAIR.

Montclair Normal school.

For additional allowance for support of the State Normal School at Montclair, nine thousand seven hundred and eighty-five dollars;

For fire hydrants, five hundred dollars;

For asbestos ceiling and pipes, three hundred and fifty dollars;

For assessment for trunk sewer, five hundred ninety-seven dollars and sixty cents;

For Valley Road sewer, two hundred thirty-two dollars and eighty-five cents;

For safe, two hundred and seventy-five dollars.

For books for library, one thousand dollars;

For two hundred and fifty lockers, one thousand six hundred dollars;

For lunch-room tables and stools, two hundred and fifty dollars;

For gas, sink, water, warming pans and table, removing pantry and kitchen and fittings for kitchen and lunch-room, etc., five hundred dollars;

For manual training tools and tables, seven hundred and fifty dollars;

For teachers' desks and chairs, two hundred and fifty dollars;

For two hundred and fifty tablet arm chairs, one thousand dollars.

For one hundred and seventy-five students' desks, eight hundred and seventy-five dollars;

For one hundred and seventy-five students' chairs, seven hundred dollars;

For shelving for books in library, two hundred and fifty dollars;

For microscopes, four hundred dollars;

For stereopticon, one hundred and eighty dollars.

29.

CIVIL SERVICE COMMISSION.

Civil service.

For additional allowance for salaries and expenses of the Civil Service Commission, five thousand dollars.

30.

NATIONAL GUARD.

Sea Girt cottage.

For maintenance of the Sea Girt cottage during July and August while occupied by the Governor during the encampment and rifle tournament, a sum not to exceed two thousand dollars, to be paid upon verification of the Quartermaster-General.

31.

DIGEST OF LAW AND CHANCERY REPORTS.

Law and chancery reports.

For additional allowance for the purchase of five hundred sets Digest of the Law and Chancery Reports, pursuant to the provisions of chapter sixty-seven, laws of one thousand nine hundred and seven, six thouand dollars.

32.

FOREST PARK RESERVATION COMMISSION.

Forest park.

For additional allowance for the Forest Park Reservation Commission, for the purpose of carrying out

the provisions of chapter one hundred and twenty-three, laws of one thousand nine hundred and six, three thousand dollars.

33.

LIVE STOCK COMMISSION.

Live stock commission.

For expenses incurred pursuant to chapter two hundred and twelve, laws of one thousand nine hundred and eight, seven hundred and fifty dollars; which sum is hereby transferred from the appropriation made to the Live Stock Commission in item one hundred and twelve of the act to which this act is a supplement, reducing said appropriation to the sum of nine thousand two hundred and fifty dollars.

34.

NEW JERSEY CONFERENCE OF CHARITIES AND CORRECTIONS.

Annual proceedings.

Proviso.

For printing and distributing the proceedings of the annual conference of the New Jersey Conference of Charities and Corrections, five hundred dollars; *provided,* said sum is authorized by enactment of the present Legislature.

35.

NEW JERSEY INTERSTATE BRIDGE COMMISSION.

Bridges over Hudson river.

For expenses incurred by the commissioners appointed pursuant to Joint Resolution number three, approved April second, one thousand nine hundred and eight, three thousand three hundred twenty-one dollars and eighty-seven cents.

36.

STATE HOME FOR GIRLS.

Girls' home.

For premiums on fire insurance policies, six hundred twenty-nine dollars;

For amount required to meet deficiency for support and necessary repairs to the Home, for the fiscal year ending October thirty-first, one thousand nine hundred and eight, and to refund moneys advanced, without interest, eight thousand five hundred sixty-seven dollars and sixty-three cents;

For a hospital fund, six hundred dollars.

37.

PUBLICATION OF PUBLIC ACTS.

Compilation of laws.

For compensation of the commissioners appointed under act approved March thirtieth, one thousand nine hundred and four, in full for all services rendered by them and expenses incurred to the date of the abolition of the commission, pursuant to chapter one hundred and thirty-eight, Laws of one thousand nine hundred and eight, nine thousand two hundred and nine dollars and seventy cents.

38.

COMMISSION TO REVISE AND CONSOLIDATE PUBLIC STATUTES.

Revision of laws.

For salaries and expenses incurred by the Commission to Revise and Consolidate the Public Statutes of this State, pursuant to chapter fifty-eight, laws of one thousand nine hundred and eight, fifteen thousand dollars.

39.

PUBLIC ROADS.

Roads.

For repairs to automobile, five hundred dollars;
For exchange of automobile, three thousand dollars.

40.

COLLATERAL INHERITANCE TAX.

Collection of inheritance tax.

For additional allowance 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, five thousand dollars.

41.

SECRETARY OF STATE, DEPARTMENT OF MOTOR VEHICLE REGULATION AND REGISTRATION.

Motor vehicles.

For additional allowance for compensation of inspectors, four thousand five hundred dollars;

For additional allowance for expenses and equipment of inspectors, two thousand dollars;

For additional allowance for compensation for clerical services, one thousand dollars;

For additional allowance for postage, expressage and other incidental expenses, five hundred dollars;

For additional allowance for blanks and stationery, one thousand dollars; payment of the above items in this account to be made from the receipts of the department of motor vehicle regulation and registration;

Proviso.

provided, same is authorized by enactment of the present Legislature.

42.

COMMISSION ON INDUSTRIAL EDUCATION.

Industrial education.

For expenses incurred by the Commission appointed pursuant to Joint Resolution number eleven, approved April fourteenth, one thousand nine hundred and eight, to inquire into the subject of industrial education and report thereon, one thousand six hundred seventy dollars and eighty-five cents.

43.

SUPREME COURT.

Supreme court.

For additional allowance for blanks and stationery, for the use of the Chief Justice and Associate Justices of the Supreme Court, two hundred dollars.

44.

HOUSE COMMITTEE TO INVESTIGATE STATE EXPENDITURES.

Accountants' fees.

To George W. La Barre and John W. Brooke, partners, for balance due for compensation as accountants to the Committee, one thousand dollars.

45.

DETECTIVE BUREAU LICENSES.

Refund part license fee.

To the estate of Charles M. Schmidt, for one-half of amount of fee paid the State Comptroller by the late Charles M. Schmidt, for a five year's license to conduct the business of detective or detective agency, fifty dollars.

46.

COMMISSION FOR THE REVISION OF THE PRIMARY AND ELECTION LAWS.

Revise election laws.

To Frederick A. Lehlbach, for services as clerk to the Commission, and expenses incurred, seven hundred seventy-four dollars and sixty-seven cents.

47.

CIVIL WAR VETERAN MEDAL.

Medals.

For the purpose of carrying out the provisions of Joint Resolution Number two, approved March seventeenth, one thousand nine hundred and nine, three hundred dollars.

48.

Relief Anna V. Walsh.

For the purpose of carrying out the provisions of chapter eighty-two, laws of one thousand nine hundred and nine, six hundred and seventy-five dollars.

49.

STATE BOARD OF ASSESSORS.

Appraisement railroads and canals.

For the purpose of carrying out the provisions of Joint Resolution number three, approved April fifth, one thousand nine hundred and nine, twenty thousand dollars.

50.

COLLATERAL INHERITANCE TAX.

Inheritance tax; chap 228.

For the purpose of carrying out the provisions of a bill pending entitled "An act to tax the transfer of property of resident and non-resident decedents by devise, bequests, descent, distribution by statute, gift,

deed, grant, bargain and sale, in certain cases," five thousand dollars; *provided,* said bill becomes a law. Proviso.

51.

For the purpose of carrying out the provisions of Senate Joint Resolution number two, entitled "Joint resolution in relation to the campaign against tuberculosis," one thousand five hundred dollars; *provided,* said resolution becomes a law. Tuberculosis. Proviso.

52.

DEPENDENCY AND CRIME COMMISSION.

For expenses incurred by the Dependency and Crime Commission, two thousand six hundred seventy-nine dollars and fifteen cents; *provided,* said sum is authorized by enactment of the present Legislature; Expenses. Proviso.

For compensation for the secretary to the commission, five hundred dollars; *provided,* said sum is authorized by enactment of the present Legislature. Proviso.

53.

DEPARTMENT OF CHARITIES AND CORRECTIONS.

The following sums are hereby appropriated, provided a bill pending entitled "An act to constitute the Commissioner of Charities and Corrections a State purchasing agent, and to prescribe his powers and duties in connection therewith, and to provide an assistant in the performance of said duties," becomes a law: Purchasing agent.

For salary of assistant, one thousand dollars;

For allowance for clerical service, three hundred and seventy-five dollars;

For incidental expenses, two hundred and fifty dollars;

For purchase of a typewriter, one hundred dollars;

54.

EXCISE COMMISSION.

Investigation by excise commission.

For payment of expenses incurred by the Excise Commission, as follows:

Cosgrove's Detective Agency, for services rendered and expenses incurred, two thousand four hundred ninety-two dollars and twenty-four cents;

Benjamin Murphy, for services rendered and expenses incurred, eight hundred eighty-two dollars and thirty-eight cents;

Samuel A. Wallace, for services examining records, one hundred and forty dollars;

Joseph Kiernan, for services rendered and expenses incurred, one hundred and thirty dollars;

Patrick S. Kiely, for services rendered and expenses incurred, five hundred forty-two dollars and sixty-five cents;

F. L. C. Martin Automobile Company, for rental of automobile, two hundred sixty-six dollars and sixty-five cents;

Charles J. Fury, for meals served members of the Commission, eighty-one dollars and sixty-five cents;

R. M. Conway, for stenographic services, sixteen dollars;

J. H. Crane, for legal services, seven hundred thirty-two dollars;

Baker Printing Company, for printing copies of report and tables, five hundred eight dollars and fifty cents;

M. L. Neal, for stenographic services, thirty-eight dollars and fifteen cents;

John P. Dengler, for stenographic fees, four thousand six hundred twenty-one dollars and fifty cents;

State Gazette Publishing Company, for printing law, one hundred eight dollars and seventy-five cents;

John T. Temple, for legal services, fifty dollars.

Approval of plans and contracts by governor.

2. Before any building or buildings shall be commenced or work undertaken for the cost of which money is appropriated by this act or by the appropria-

tion act for the fiscal year ending October thirty-first, one thousand nine hundred and ten, the plans, specifications and contracts necessary for the entire completion thereof shall, and each of them shall, be submitted to and approved by the Governor, and such contracts shall not be approved or entered into if the total expenditure under all of the contracts necessary to the entire completion of such building, buildings or work according to such plans and specifications shall exceed the amount appropriated by this act for such building, buildings or work; and in any and every case where it shall appear that the appropriation is insufficient to complete such building, buildings or work, the appropriation hereby made therefor shall not be applied toward the construction of such building or buildings, or prosecution of such work, but shall lapse and no payment shall be made therefrom.

If appropriation insufficient, to lapse.

3. No money shall be drawn from the treasury except for objects as hereinabove specifically appropriated in this act and in the act to which this act is a supplement, 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, United States appropriation for disabled soldiers, sailors, marines and their wives, Agricultural College fund and taxes for the use of taxing districts in this State, moneys received pursuant to the laws relating to motor vehicles, provided a bill pending relating thereto becomes a law, moneys received by the State from the taxation of railroad and canal property, which may be by law apportioned to the various counties of the State for school purposes, and loans to "State School Fund," which last-named sums shall be paid pursuant to the laws applicable thereto; this section shall not be construed to prohibit the payment due upon any contract made under an appropriation of the previous year, nor of any payments into the State Treasury by State institutions and commissions pursuant to an act entitled "An act regulating the receipt and disbursement of State moneys in certain cases," approved Octo-

Moneys used as specified.

Section, how construed.

ber thirty-first, nineteen hundred and seven (Chapter two hundred and eighty-eight, laws of nineteen hundred and seven), which moneys by the provisions of chapter forty-one, laws of nineteen hundred and eight, are appropriated for the maintenance of said State institutions and commissions making such payments, but nothing herein shall be construed to apply to the payments into the State Treasury by the State Reformatory and State Prison of the receipts for the labor of the inmates of those institutions.

4. This act shall take effect immediately.

Approved; April 20, 1909; except as to the following item:

Item No. 16. "For maintenance and other expenses of the board of fish and game commissioners, ten thousand, two hundred and sixteen dollars and ninety-one cents." This item of expenditure I disapprove; my reason being that in the annual appropriation bill of last year, which is now running, all the money was appropriated which was asked for by this commission, for the maintenance and expenses of this commission. I am informed that there are no contracts out against this item which I am now disapproving, and that this was a balance in the hands of the old commission at the time of its abolition, and I see no reason for this money being appropriated to the fish and game commission, particularly if some of the legislation passed at this session of the Legislature shall become operative, under which they will get large sums of money, in addition to their appropriation. Too much money is already being spent, in my judgment, by this commission.

CHAPTER 230.

A Supplement to an act entitled "An act creating a commission to investigate the causes of dependency and criminality," approved April ninth, one thousand nine hundred and eight.

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

Salary of secretary.

1. The secretary of the commission constituted by the act to which this act is a supplement shall be paid for his compensation as such the sum of five hundred dollars, to be paid out of the treasury of this State on the warrant of the Comptroller.

Additional appropriation.

2. The sum of two thousand six hundred and seventy-nine dollars and fifteen cents is hereby appropriated for the expenses of the said commission, in addition to the expenditures heretofore provided for, to be paid by the Treasurer on the warrant of the Comptroller.

Repealer.

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

Approved April 20, 1909.

CHAPTER 231.

A Supplement to an act entitled "An act to secure the purity of foods, beverages, confectionery, condiments, drugs and medicines, and to prevent deception in the distribution and sales thereof" (Revision of 1907), approved May twentieth, nineteen hundred and seven.

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

Places where food is prepared and kept must be clean and well lighted.

1. Every building, room, basement or cellar occupied or used as a bakery, confectionery, cannery, pack-

ing-house, slaughter-house, dairy, creamery, cheese factory, restaurant, hotel, grocery, meat market, or other place or apartment used for the production, manufacture, preparation, packing, storage, or distribution of food intended for sale or distribution, shall be properly lighted, drained, plumbed and ventilated, and the operations carried on in such building, room, basement or cellar shall be conducted in such a manner that the purity and wholesomeness of the food therein produced, manufactured, prepared, packed, stored, sold or distributed shall not be impaired.

Walls, floors, furniture, implements kept clean.

2. The floors, sidewalls, ceilings, furniture, receptacles, implements and machinery of every establishment, or place where food intended for distribution or sale is produced, manufactured, prepared, packed, stored, sold or distributed, and all cars, trucks and vehicles used in the transportation of such food products shall at no time be kept in an unclean or unsanitary condition. All food intended for distribution or sale in the process of production, manufacture, preparation, packing, storing, sale, distribution or transportation shall be securely protected from flies, dust, dirt, and, so far as the same is possible, by the use of all reasonable means, from all other foreign or injurious contamination; the refuse, dirt and waste products subject to decomposition or fermentation incident to the production, manufacture, prepartion, packing, storing, sale, distribution or transportation of food, shall be removed daily. The clothing worn by all operatives, employes, clerks and and other persons while engaged in work in any of the places where food intended for sale or distribution is produced, manufactured, prepared, packed, stored, sold, distributed or transported shall be in a clean condition at all times. No person shall transport any such food in such a manner that the purity or wholesomeness thereof shall be in any wise impaired.

Food protected from flies and dirt

As to clothing of employes.

Wall coverings.

3. The sidewalls of every bakery, confectionery, creamery, cheese factory, hotel or restaurant kitchen shall be well plastered, wainscoted or ceiled with metal or lumber, and shall be oil-painted, or kept well lime-

washed, and all interior wood work in every bakery, confectionery, creamery, cheese factory, hotel or restaurant kitchen shall be kept well oiled or painted with oil paint, and shall be kept washed clean with soap and water; and every building, room, basement or cellar occupied or used for the preparation, manufacture, packing, storage, sale or distribution of food intended for distribution or sale in which food is exposed shall have a tight floor made of cement, or of tile laid in cement, brick, wood, or other suitable material which can be flushed or washed clean with water.

Cleanliness in hotel and restaurant kitchens.

Cement floors.

4. All operatives, employes, clerks, or other persons who handle the material from which food intended for distribution or sale is prepared, or the finished product, before beginning work and after visiting the toilet, shall wash their hands and arms thoroughly with clean water and soap, and every owner or manager of any place in which food is produced, manufactured, prepared, packed, stored, distributed or sold shall provide adequate facilities for such washing, and it shall be the duty of every such owner or manager to take all reasonable means to compel all operatives, employes, clerks, or other persons handling the material from which such food is prepared, or the finished product, to perform such washing as aforesaid. All toilets, lavatories and wash-rooms shall be separate and apart from the room or rooms where any processes incident to the production, manufacture, preparation, packing, storage, sale or distribution of such food are carried on, and such toilets, lavatories and wash-rooms shall, at all times, be kept in a clean and sanitary condition.

Personal cleanliness.

Toilet facilities.

Closets separated from work rooms.

5. Cuspidors for the use of operatives, employes, clerks, or other persons, shall be provided wherever necessary, and each cuspidor shall be emptied and thoroughly washed out daily with a disinfectant solution, and at least five ounces of such disinfectant solution shall be left in each cuspidor while the same is in use. No operative, employe, clerk, or other persons shall expectorate anywhere in any building, room, basement or cellar where the production, manufacture, preparation, packing, storage, sale or distribution of

Cuspidors.

any food intended for sale or distribution is conducted, except in cuspidors provided for that purpose.

Not live or sleep in shop

6. No person or persons shall be allowed to live or sleep in any room where food intended for sale or distribution is produced, manufactured, packed, distributed or sold.

Not employ persons with communicable diseases.

7. No employer shall require, permit or allow any person to work, nor shall any person work in any building, room, basement, cellar or vehicle, occupied or used for the production, preparation, manufacture, packing, storage, sale, distribution or transportation of food intended for sale or distribution who is affected with any communicable disease.

Prosecution for violations.

8. Whenever any person shall violate any of the provisions of this act, the State Board of Health or the local board of health having jurisdiction over the locality in which said violation occurred shall cause the person so violating this act to be prosecuted for the recovery of the penalty fixed in this act for said violation; *provided, however,* that in any such case the said State Board or local board may, in their discretion, instead of prosecuting such person for the recovery of such penalty, cause an order to be served on such person, commanding him to discontinue or abate such violation, or to make such improvements as may be necessary to abate such violation, within a reasonable time to be fixed by the said board, and stated in said order. Such order shall be in writing, and the person receiving such order shall have the right to be heard, either in person or by attorney by the board making such order.

Proviso.

Penalties.

9. Any person who violates any of the provisions of this act, or refuses, neglects or fails to comply with any lawful order or requirement of the State Board of Health or of any local boards of health, duly made in writing, as provided in section nine of this act, shall be liable to a penalty not exceeding fifty dollars for the first offense, one hundred dollars for the second offense, and two hundred dollars for the third and each subsequent offense; such penalties to be recovered by an action of debt in the name of the State Board

How recovered.

of Health or local board of health, as the case may be, in the manner prescribed for the recovery of penalties in the act to which this is a supplement.

Each day a separate violation.

10. When any person shall violate any of the provisions of this act, or shall refuse to comply with any orders duly made in writing, as provided for in section nine of this act, each day upon which such violation occurs shall be deemed to constitute a distinct and separate violation, and each day elapsing after the expiration of the time limit fixed for the compliance with the said order in writing shall be deemed to constitute a distinct and separate offense.

Rules and regulations.

11. The State Board of Health shall make uniform rules and regulations for the carrying out of the provisions of this act, which said rules and regulations shall apply to all boards and persons entrusted with the enforcement of the provisions of this act.

Abstract of law furnished to those concerned.

12. An abstract of this law shall be prepared and furnished upon request by the board of health to every corporation, firm or person in this State who is affected thereby, and every person engaged in the production, manufacture, preparation, packing, storing, distribution, or transportation of food intended for sale or distribution to whom a copy of such abstract is sent or delivered shall post such abstract of this law, and keep it posted, in plain view in such place that it can be easily read by the employes or operatives in coming in or going from the place where the aforesaid business of such person is conducted.

Posted.

Approved April 21, 1909.

CHAPTER 232.

An act for the relief of Gustaf Hammargren.

Preamble.

WHEREAS, Gustaf Hammargren was employed as gardener at the State Hospital for the Insane at Morristown, N. J., during the year nineteen hundred and seven, having been so employed by said institution for four years prior to the said year one thousand nine hundred and seven; and

WHEREAS, On February second, one thousand nine hundred and seven, while in the employ of the said State Hospital for the Insane at Morristown, and while assisting in the harvesting of ice from the reservoir or lake on the grounds of the said State Hospital for the Insane, and without any negligence or fault on his part, was thrown from said ice-house, breaking his hip bones and injuring himself internally; and

WHEREAS, At the time of the said accident the said Gustaf Hammargren was thirty-five years of age, and, although he had the best medical aid, he is permanently lame and disabled, and it is impossible for him to do any work, or earn any livelihood for himself; and

WHEREAS, It is considered just and right for the State to recompense the said Gustaf Hammargren in some small degree for the permanent injuries which he has suffered, and to put him in a position so that he may have something to live on; therefore

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

Appropriation.

1. The Comptroller of the State be and he is hereby authorized and directed to issue a warrant in favor of the said Gustaf Hammargren in the sum of two thousand five hundred dollars on account of his injuries sustained in the service of the State; *provided*, that the president of the board of managers of the said State

Proviso.

Hospital for the Insane at Morris Plains shall certify in writing to the said Comptroller that the facts contained in the preamble hereof are substantially correct.

2. The Treasurer of the State is hereby authorized and directed to pay said warrant, when so issued, out of any money appropriated therefor. Payment authorized.

3. This act shall take effect immediately.

Approved April 21, 1909.

CHAPTER 233.

An Act to authorize the erection of additions or extensions to county lunatic asylums and additional buildings or pavilions for the accommodation of the insane, and to properly fit, furnish and equip the same, and to issue bonds for the payment thereof.

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

1. Wherever in any county in this State a lunatic asylum is owned and maintained by the county, and it becomes necessary from time to time, either to enlarge such asylum by the building of additions or extensions thereto, or to erect additional buildings or pavilions for the accommodation of the insane, it shall be lawful for the board of chosen freeholders of any such county, from time to time, upon resolution to be adopted by the affirmative votes of two-thirds of the members of such board, to build such additions, extensions, additional building or buildings, pavilion or pavilions, and to properly fit, furnish and equip the same; *provided, however,* that the amount of money expended under this act shall not exceed a sum equal to twelve hundred dollars for each patient in such asylum, addition, additions and extensions at the time of the passing of the resolution above referred to, less the sum Increased accommodations at county asylums. Proviso.

or sums theretofore expended by such board for the erection and construction of such lunatic asylum building and the additions and extensions thereto (excluding the fitting, furnishing and equipping of the same); it being the purpose of this act to enable such boards of chosen freeholders, from time to time as the demand increases and as occasion requires, to provide and furnish proper accommodations for the insane.

Bonds may be issued to meet cost.

2. In order to provide the funds wherewith to erect such additions, extensions, additional buildings or pavilions and to properly fit, furnish and equip the same, if in the judgment of such board the cost thereof, when placed in the tax levy for any one year, would be too burdensome on the taxpayers, it shall be lawful for such board to issue bonds of the county therefor, to be signed by the director of the board for the time being and the county collector, under the corporate seal, which bonds shall state upon their face for what purpose the same are issued, and shall be of such denomination as said board shall fix, and may be either registered or coupon, and shall bear interest at not exceeding five per centum, payable half-yearly, and to run for not exceeding thirty years, and which bonds shall be sold at public sale, after due advertisement, for the best price that can be obtained therefor, but for not less than par and accrued interest.

Rate.

Time.

Work done by contract.

3. If the cost of erecting such additions, extensions, additional buildings or pavilions shall exceed the sum of one thousand dollars, the work shall be done and the materials furnished under contracts in writing, which shall be awarded upon bids duly advertised for according to law, for at least ten days prior to the reception of bids, and such board shall award the contract to the lowest responsible bidder who shall furnish satisfactory security; *provided, however,* such board may, if it deems it for the best interests of the county, reject any and all bids.

Proviso.

Sinking fund.

4. Such board shall annually place in the tax levy a sufficient sum to pay the interest on said bonds as the same matures, and an item to be paid into the sinking fund which, with the accumulations thereof, shall be

sufficient to pay off and discharge said bonds at maturity.

5. This act shall take effect immediately.

Approved April 21, 1909.

CHAPTER 234.

An Act concerning a proposed amendment to the Constitution relating to the judiciary, adapting thereto the structure and practice of the courts, which amendment was duly agreed to in the manner prescribed by the Constitution by two successive Legislatures in the years one thousand nine hundred and eight and one thousand nine hundred and nine.

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

Appeals division may make order.

1. The Appeals Division, in any cause before it for review, may, in its discretion, make the order to render the decree or judgment which the court below ought to have made or rendered.

Division of court endorsed on papers.

2. Every person by whom a cause shall be commenced in the Supreme Court shall assign said cause to the proper division of the court by endorsing on the process, or first paper filed in the cause, the name of the division.

Classes of actions assigned to chancery division.

3. Actions in the Supreme Court shall be assigned, subject to the rules and special orders of the court, to the Chancery Division in the following cases:

(1) Causes and matters pending in Chancery, or in the Prerogative Court, or before the Chancellor or Ordinary at the date when this act takes effect;

(2) Causes and matters heretofore cognizable before the Court of Chancery, the Chancellor, the Prerogative Court, or the Ordinary.

Actions assigned to law division.

4. Actions brought in the Supreme Court shall be assigned, subject to the rules and special orders of the Court, to the Law Division in the following causes:

(1) All matters pending in the Supreme Court, or in the Circuit Court, at the date when this act takes effect;

(2) Causes and matters heretofore cognizable before the Supreme Court or Circuit Court.

Regarding injunctions or restraining orders.

5. After an injunction or restraining order has been granted or denied all applications with respect thereto must be made to the justice of the Chancery Division who granted or denied the injunction or restraining order, unless the Chancellor orders otherwise.

Supreme court to fix terms, practice, procedure.

6. The Supreme Court shall, by its rules, fix the terms of the court in its several divisions and regulate the pleading and practice of the court, and to that end may change the statutory and other legal regulations of procedure existing when this act takes effect.

Jurisdiction of county courts.

7. The jurisdiction heretofore exercised by the Courts of Common Pleas, Orphans' Court, Courts of Oyer and Terminer and Quarter Sessions, and the judges thereof shall be exercised by the county courts and by the judges thereof. The county courts shall have and exercise original jurisdiction concurrent with the Supreme Court over controversies involving title to real estate. A justice of the Supreme Court shall sit on the trial of all capital cases.

When original jurisdiction.

County courts and judges.

8. The county judge in each county shall receive the salary now fixed by law for the judge of Common Pleas therein. Regular terms of the county court shall be held in each county at the times and places at which the Courts of Common Pleas are required by law to be held. Any judge of the county court may be assigned by the Chief Justice, or by the Law Division of the Supreme Court, to hold the county court in any county at any term. The Supreme Court may prescribe rules for pleading and practice in the county courts, and to that end may change the statutory and other legal regulations of procedure existing when this act takes effect.

Assignment of judges.

Rules of practice.

As to new trials.

9. Any rule to show cause why a new trial should not be granted, when allowed by a county judge in a cause in the county court where the matter in controversy exceeds three hundred dollars in value, may, in the discretion of the judge, be certified by him to the Law Division of Supreme Court for its decision, which shall be certified to the county court, and shall have the same effect as if made in the cause by the county judge. Where a county judge, in any cause where the matter in controversy exceeds three hundred dollars in value, denies a motion for a new trial and refuses to certify a rule to show cause, any Justice of the Supreme Court assigned to the Law Division may, on application of the party aggrieved, allow a rule to show cause why a new trial in the county court should not be granted, returnable before the Law Division of the Supreme Court, on which rule the Supreme Court shall have the same control over the verdict or finding as in cases tried before a justice of the Law Division of the Supreme Court.

Clerks of various courts.

10. The Secretary of State shall be clerk of the Appeals Division. The Clerk of the Supreme Court, as heretofore constituted, shall be clerk of the Law Division of the Supreme Court. The Clerk of the Court of Chancery, as heretofore constituted, shall be clerk of the Chancery Division, and shall succeed to the functions of the Secretary of State as clerk of the Prerogative Court. The surrogate in each county shall act as clerk of the county court with respect to the business of the class heretofore conducted in the Orphans' Courts and as to the other business the county clerk shall be clerk for the county court in his county, and also for the court in which issues out of the Law Division of the Supreme Court are tried.

Salaries of judiciary.

11. The Chief Justice of the Supreme Court and the chancellor and the President Justice of the Law Division shall each receive a salary of eleven thousand dollars per year, and the Associate Justices of the Supreme Court shall each receive a salary of ten thousand dollars per year.

Justices of the peace.

12. The office of justice of the peace shall continue

as a statutory office, notwithstanding the repeal of the provisions of the Constitution relating thereto; and the justices of the peace in office when this section of this act takes effect shall retain their offices and powers, and their successors shall be chosen and shall have and exercise the powers and privileges of their offices as heretofore.

Effective.

13. This act shall take effect when the constitutional amendment in the title of this act mentioned takes effect.

Approved April 21, 1909.

CHAPTER 235.

An Act to amend an act, entitled "An act defining motor vehicles and providing for the registration of the same and the licensing of the drivers thereof; fixing rules regulating the use and speed of motor vehicles; fixing the amount of license and registration fees; prescribing and regulating process and the service thereof and proceedings for the violation of the provisions of the act and penalties for said violations," approved April twelfth, one thousand nine hundred and six.

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

Section 37 amended.

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

All receipts to be used for road repairs.

37. Moneys received in accordance with the provisions of this act, whether from fines, penalties, registration fees, license fees, or otherwise, shall be accounted for and forwarded to the Commissioner of Motor Vehicles and by him paid over to the Treasurer of the State of New Jersey, to be used by the Commissioner of Public Roads, as a fund for the repair of such improved roads throughout the State as said

Commissioner shall designate, regard being had to the repair of the most important improved roads, and the distribution of the benefits of this act throughout the several counties of this State, said fund to be available annually on and after the first day of July in each year; *provided, however,* that there shall first be deducted from the moneys as aforesaid received the amount appropriated by the Legislature in any annual or supplemental bill for the maintenance of said Department of Motor Vehicles, which said sum so deducted shall become a part of the general State fund. Proviso.

2. This act shall take effect immediately.

Approved April 21 1909.

CHAPTER 236.

A Further Supplement to an act entitled "An act for the permanent improvement of public roads in this State" (Revision of 1905), approved March twenty-seventh, one thousand nine hundred and five.

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

1. In order to enable the Commissioner of Public Roads to execute the provisions of section thirty-seven of an act of the Legislature of this State entitled "An act defining motor vehicles and providing for the registration of the same and the licensing of the drivers thereof; fixing rules regulating the use and speed of motor vehicles; fixing the amount of license and registration fees; prescribing and regulating process and the service thereof and proceedings for the violation of the provisions of the act and penalties for said violations," approved April twelfth, one thousand nine hundred and six, said Commissioner is hereby authorized to appoint two persons to be known as "Assistant Two assistant supervisors of roads.

Supervisors of Roads," who shall, under the instruction and supervision of the Commissioner of Public Roads, have jurisdiction over all roads in respect to repairs to said roads made by the Commissioner of Public Roads under the provisions of this act. The said Commissioner of Public Roads may either pay over to the collector of the board of chosen freeholders of a county or the proper fiscal officer of any other municipality of the county, the amount of money estimated to be necessary for the repair of any road in such municipality, or said Commissioner may invite, by advertisement, sealed proposals for the repair of any such road and award a contract to the lowest average responsible bidder, reserving to himself, however, the right to reject any and all bids. The said Commissioner shall be allowed the sum of three thousand dollars per year for the employment of said assistant supervisors, and the further sum of three thousand dollars per year, or so much thereof as may be necessary for the expenses of said Commissioner of Public Roads in defraying the traveling and other expenses of said supervisors, said sum to be paid from such moneys as shall be appropriated to said Commissioner of Public Roads for the repair of improved roads throughout this State. Said supervisors shall hold their positions during the pleasure of the Commissioner of Public Roads.

Duties.

Use of moneys.

Salaries of supervisors.

Expenses met.

Tenure.

2. This act shall take effect immediately.

Approved April 21, 1909.

CHAPTER 237.

An Act providing for the incorporation of medical milk commissions and the certification of milk produced under their supervision.

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

Certified milk commissions.

1. Any five or more physicians duly authorized to practice medicine under the laws of this State who shall desire to associate themselves together for the purpose of supervising the production of milk intended for sick room purposes, infant feeding and for use in hospitals, may make, record and file a certificate in writing in the manner hereinafter mentioned.

Objects set forth; name,

2. Such certificate shall set forth:

(I) The name of such association which shall be as hereinafter designated.

purposes,

(II) The purposes for which the association shall be formed.

directors,

(III) The names and the residences of the medical directors who shall manage the affairs of the association for the first year of its existence.

county.

(IV) The county in this State where such association shall operate.

Recorded in county clerk's office.

3. Such certificate shall be proved or acknowledged and recorded as required of deeds of real estate in a book to be kept for the recording of certificates of incorporation in the office of the clerk of the county where the purposes of such association are to be carried out and after being so recorded, shall be filed in the office of the Secretary of State; said certificate or a copy thereof duly certified by the said clerk or Secretary of State shall be evidence in all courts or places.

Filed with secretary of state.

A body politic.

4. Upon making such certificate and causing the same to be recorded and filed as aforesaid, the said physicians so associating themselves together and their successors shall by virtue of this act be a body politic and corporate in fact and in law by the name stated in such certificate and by that name they and their successors shall have perpetual succession with power to

May sue, etc.

sue and be sued, plead and be impleaded, answer and be answered unto in all courts and places whatsoever and to make and use a common seal at pleasure.

Corporate name.

5. The name of such association shall be the "The Medical Milk Commission of ..... (designating name of county) county, of New Jersey," and in case more than one association shall be organized under this act or otherwise, such subsequent association or associations shall use the name designated herein, but shall indicate in such name its proper sequence in organization or incorporation by adding thereto the words: "Number Two," "Number Three," "Number Four," or as the case may be.

Powers of directors.

6. Such medical directors shall have the power from time to time to make, alter and amend by-laws not inconsistent with the Constitution and Laws of the United States and of this State, fixing or altering the number of its medical directors and providing for the mode of filling vacancies and removing any member from their number and prescribing qualifications for membership in the association and the appointment of such agents and officers as shall in their judgment tend to promote or advance any purpose or purposes of such commission, and to prescribe their resepective duties; and for the regulating of the conditions under which milk shall be produced by any dairyman or dairymen under contract with such commission.

Certify to milk.

Such medical milk commissions shall have power to certify to any milk produced under their supervision which shall meet the requirements hereinafter mentioned.

No compensation for directors.

7. No medical director of any association organized under this act shall receive, directly or indirectly, from such association or dairyman or dairymen producing milk under agreement with such commission any salary or emolument or any compensation of any kind or character for any services rendered under the provisions of this act, and any medical director who shall receive any salary, emolument, or compensation of any

Penalty.

kind or character for such services, shall be liable to

a penalty of one hundred dollars ($100.00), to be recovered in an action of debt by the association of which he is a member, and in addition thereto shall be removed from his office as a member of said association and thereafter disqualified from becoming a member of any association incorporated under the provisions of this act.

Agreement with dairymen.

8. Every such association shall have power to enter into agreement in writing with any dairyman or dairymen for the production of milk under the supervision of such association for the purposes enumerated in section one hereof and to prescribe in such agreement the conditions under which such milk shall be produced, which conditions, however, shall not be below the standards of purity and quality for "Certified Milk" as fixed by "The American Association of Medical Milk Commissions," and the standards for milk now fixed or that may hereafter be fixed by the Board of Health of the State of New Jersey. In any contract entered into by any such commission with any dairyman or dairymen, it may be provided that such medical milk commission may designate any analysts, chemists, bacteriologists, veterinarians, medical inspectors or other persons who in its judgment may be necessary for the proper carrying out of the purposes of such commission for employment by such dairyman or dairymen and to prescribe and define their powers and duties, and that such persons so employed by such dairyman or dairymen may be discharged from employment whenever such medical milk commission may request such discharge or removal in writing.

Standard milk.

Terms of contract.

Certificate attached to milk containers.

9. All containers of any kind or character used in the carrying or distribution of milk produced by any dairyman or dairymen under contract with any medical milk commission shall have attached thereto or placed thereon a certificate or seal bearing the name of the Medical Milk Commission with which such dairyman or dairymen producing such milk shall be under contract, which certificate shall have printed, stamped or written thereon the day or date of the production

of the milk contained in any such container and the words "Certified Milk" in plain and legible form.

Subject to State board of health.

10. The work and methods of any Medical Milk Commission organized under this act and of the dairies on which milk is produced under contract with any such commission, shall at all times be subject to investigation and scrutiny by the Board of Health of the State of New Jersey. The secretary of said State Board of Health shall be an ex-officio member of every milk commission organized under this act.

Milk not to be sold as certified unless produced according to standards.

11. No person, firm or corporation shall sell or exchange or offer or expose for sale or exchange as and for certified milk, any milk which is not produced in conformity with the methods and regulations prescribed by and which does not bear the certification of a medical milk commission, incorporated pursuant to the provisions of this act or organized or incorporated in some other State for the purposes specified in section one hereof, and which is not produced in conformity with the methods and regulations for the production of certified milk from time to time adopted by the American Association of Medical Milk Commissions, and which is below the standards of purity and quality for certified milk as fixed by the American Association of Medical Milk Commissions; and any such person, firm or corporation violating any of the provisions of this section shall be guilty of a misdemeanor.

Penalty.

Repealer.

12. 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 April 21, 1909.

CHAPTER 238.

An Act to provide for the payment to counties of five per centum of transfer taxes collected.

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

1. The Comptroller of the Treasury of this State, after the close of each fiscal year, shall draw his warrant on the Treasurer in favor of the collector of each county for five per centum of the amount of transfer tax collected from property of resident decedents in said county during said fiscal year, whereupon the same shall be paid out of the treasury of this State; *provided, however,* that this act shall only become operative if a bill entitled "An act to tax the transfer of property of resident and non-resident decedents by devise, bequests, descent, distribution by statute, gift, deed, grant, bargain and sale, in certain cases," shall become a law; *and provided further,* that for the fiscal year ending October thirty-first, one thousand nine hundred and nine, only five per centum of the transfer tax collected from the time said act becomes a law to said thirty-first day of October shall be paid.

Amount of transfer tax paid counties.

Proviso.

Proviso.

2. This act shall take effect immediately.

Approved April 21, 1909.

CHAPTER 239.

An Act to provide for submitting proposed amendments to the Constitution of this State to the people thereof.

Preamble.

WHEREAS, Certain proposed amendments to the Constitution of this State were, at the session of the Legislature held in the year nineteen hundred and eight, agreed to by a majority of the members elected to each of the two houses thereof, and entered on the journals of each of said houses with the yeas and nays taken thereon, and referred to the Legislature then next to be chosen; and

WHEREAS, The said proposed amendments were thereafter published, as required by the Constitution; and

WHEREAS, In the Legislature then next chosen the said proposed amendments have been agreed to by a majority of all the members elected to each house; and

WHEREAS, The Constitution of this State requires the Legislature to submit such proposed amendments as have been agreed to as aforesaid to the people at a special election to be held for that purpose only at least four months after the adjournment of the Legislature; therefore,

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

Time and place for special election.

1. On Tuesday, the fourteenth day of September next, a special election shall be held in the several election districts or precincts of this State, at such places as the clerks of the several townships, cities and municipalities of the State shall provide and secure, to enable the electors qualified to vote for members of the Legislature to vote for or against each of the said proposed amendments to the Constitution.

Election, how conducted.

2. The district boards of registry and election in the several election districts or precincts shall conduct said special election; the polls shall be opened and

closed at the times now fixed by law for opening and closing the polls at the election for members of the General Assembly, and said special election shall be conducted, so far as practicable, in the same manner as now required by law for annual elections for members of the General Assembly, except as otherwise directed in this act. No voting machines shall be used at this special election.

Form of ballot.

3. The ballot shall be delivered to the voter in the following form, clearly and distinctly printed upon white paper:

FIRST AMENDMENT.

For

This Amendment.

Against

Relating to foreclosures.

1. Strike out paragraph ten of Section VII of Article IV, and change the numbers of the following paragraphs to correspond.

SECOND AMENDMENT.

For

This Amendment.

Against

Change paragraph ten of Article V to read as follows:

Court of pardons.

10. The Governor or person administering the government, and four citizens of the State appointed by the Governor, by and with the advice and consent of the Senate, shall constitute the Board of Pardons. The members of said Board, or any three of them, of whom the Governor or person administering the government shall be one, may remit fines and forfeitures, and grant reprieves, commutations, pardons and paroles, after conviction in all cases except impeachment.

The four members specially appointed shall hold office for five years, and receive for their services a compensation which shall not be diminished during the term of their appointment.

THIRD AMENDMENT.

For

This Amendment.

Against

(The different paragraphs of this amendment being necessarily interdependent, are considered as one amendment.)

Change section I of Article VI so as to read as follows:

SECTION I.

Judiciary of State.

The judicial power shall be vested in a court for the trial of impeachments, a Supreme Court, County Courts, and such other courts, inferior to the Supreme Court, as may be established by law, which inferior courts the Legislature may alter or abolish as the public good shall require.

Strike out all of Sections II, IV, V, VI and VII of Article VI, change the number of Section III of Article VI to Section II, and insert the following sections in Article VI:

SECTION III.

Removal of judges.

Any judge of any of the courts of the State may be removed for disability continuing for one year, or for refusal to perform the duties of his office, by a vote of two-thirds of all the members of the Senate and of two-thirds of all the members of the House of Assembly voting separately, after a hearing before both Houses in joint session.

SECTION IV.

Supreme court in three divisions.

1. The Supreme Court shall be organized in three divisions, namely, the Appeals Division, the Law Division and the Chancery Division. It shall consist of a Presiding Justice of the Appeals Division who shall be styled the Chief Justice, a Presiding Justice of the Law Division, who shall be styled the President Justice, and a Presiding Justice of the Chancery Division, who shall be styled the Chancellor, and eighteen Associate Justices, which number may be increased by law.

Assignment of judges.

2. The Appeals Division shall consist of the Chief Justice, and six other Justices of the Supreme Court to be assigned by the Governor. A Justice of the Supreme Court assigned by the Governor to the Appeals Division shall serve in said division until the end of his term.

The remaining justices shall be assigned by the Supreme Court to the Law or Chancery Division, as the business of the Court may require.

Temporary transfer to Appeals division.

3. Whenever the number of causes before the Appeals Division shall be so great that the Division cannot promptly hear and determine them, the Governor shall, when authorized by statute, temporarily assign five of the justices of the other divisions to sit in the Appeals Division, which shall thereupon sit in two divisions for the hearing and decision of causes pending at the time of such assignment.

Quorum.

4. Four justices shall be necessary to constitute a quorum on the final hearing of any cause in the Appeals Division, but the Supreme Court may provide by rule for the making of interlocutory orders by a lesser number of justices or by one justice; such orders to be subject to revision by the Appeals Division.

On the hearing of a cause in the Appeals Division, no justice who has given a judicial opinion in the cause in favor of or against the judgment, order or decree under review shall sit at the hearing to review such judgment, order or decree, but the reasons for such opinion shall be assigned to the Court in writing.

Quorum to determine assignments, rules, etc.

5. A majority of all the members of the Supreme Court, to be presided over by the Chief Justice, shall constitute a quorum for the assignment of justices, and for the appointment of officers, and the enactment of rules.

Court reporters.

6. The Supreme Court shall appoint one or more reporters, not exceeding three, to report the decisions of the Court, and shall by rule define his or their duties and powers. The reporters shall hold office for five years, subject, however, to removal at the discretion of the Court.

SECTION V.

Jurisdiction of Appeals division.

1. The Appeals Division shall have and exercise the appellate jurisdiction heretofore possessed by the Court of Errors and Appeals, the jurisdiction heretofore possessed by the Supreme Court on writ of error, and the jurisdiction heretofore possessed by the Prerogative Court on appeal, and by the Ordinary on appeal, and such further appellate jurisdiction as may be conferred upon it by law, together with such original jurisdiction as may be incident to the complete determination of any cause on review, saving, however, the right of trial by jury.

Jurisdiction of Law division.

2. The jurisdiction heretofore possessed by the Supreme Court and the Justices thereof not hereby conferred on the Appeals Division, and the jurisdiction hertofore possessed by the Circuit Courts and the judges thereof, and such further original jurisdiction not of an equitable nature, and such further appellate jurisdiction from inferior courts as may be conferred by statute, shall be exercised by the Law Division of the Supreme Court and by the several justices thereof, in accordance with rules of practice and procedure prescribed by statute, or in the absence of statute by the Supreme Court.

Jurisdiction of Chancery division.

3. The jurisdiction heretofore possessed by the Prerogative Court and the Ordinary, not hereby conferred on the Appeals Division, and the jurisdiction heretofore possessed by the Court of Chancery and the

Chancellor, and such further original equity jurisdiction as may be conferred by statute, and such further original jurisdiction as is now conferable on the Prerogative Court shall be exercised by the Chancery Division and by the Chancellor and the several justices of said division in accordance with rules of practice and procedure prescribed by statute, or, in the absence of statute, by the Supreme Court, but the justices of that division shall be under such control and supervision by the Chancellor as shall be provided by the Supreme Court.

Supreme county courts.

4. Terms of the Supreme Court presided over by a single Justice of the Law Division for the trial of issues joined in or brought to the Law Division of the Supreme Court shall be held in the several counties at times fixed by the Supreme Court. Until so fixed, such trial terms shall be held at the places and times now fixed by law for the holding of the Courts of Common Pleas in the several counties.

Transfer of causes.

5. The Supreme Court may provide by rule for the transfer of any cause or issue from the Law Division to the Chancery Division, or from the Chancery Division to the Law Division of the Supreme Court, and from the County Court to the Law Division or the Chancery Division of the Supreme Court, and for the giving of complete legal and equitable relief in any cause in the court or division where it may be pending.

Statutory powers may be altered.

6. Nothing herein contained shall prevent the alteration, by law, of any statutory power or jurisdiction conferred upon any court or judge since the adoption of the Constitution in the year one thousand eight hundred and forty-four, and nothing herein contained shall prevent the Legislature from conferring upon any inferior court which may hereafter be established such power or jurisdiction as was exercised by or which may now be conferred upon the inferior courts mentioned in section 1 of Article VI of the Constitution of 1844.

SECTION VI.

Jurisdiction of county courts.

The County Courts shall have and exercise, in all cases within the county such original common law jurisdiction concurrent with the Supreme Court, and such other jurisdiction heretofore exercised by courts inferior to the Superme Court and the Prerogative Court as may be provided by law. The final judgments of the County Courts may be brought for review before the Supreme Court in the Appeals Division. Until otherwise provided, the jurisdiction heretofore exercised by the Courts of Common Pleas, Orphans' Courts, Courts of Oyer and Terminer, Courts of Quarter Sessions, or by the judges thereof, shall be exercised by the County Courts pursuant to rules prescribed by the Supreme Court. The justices of the Law Division of the Supreme Court shall be exofficio judges of the County Courts. All other jurisdiction or authority now vested in any court, judge or magistrate with jurisdiction inferior to the courts in this section mentioned, and not superseded by this article, shall continue to be exercised by such court, judge or magistrate until the Legislature shall otherwise provide.

Judges of county courts.

SECTION VII.

Pending proceedings not abated.

This amendment to the Constitution shall not cause the abatement of any suit or proceeding pending when it takes effect. The Supreme Court shall make such general and special rules and orders as may be necessary for the transfer of all suits and proceedings to the appropriate division or court created by this amendment. Matters pending when this amendment takes effect shall be decided by the judge or judges to whom they were submitted, and the order, judgment or decree made or advised by said judge shall be entered as that of the division or court to which the suit or proceeding shall have been transferred.

Paragraphs stricken out.

Fifth—Strike out paragraphs 1, 2, 5 and 8 of section II of Article VII; and substitute the following para-

graphs in place of paragraphs 1 and 2, and change the numbers of the paragraphs following 5 to correspond:

Nomination and confirmation of judiciary.

1. The Chief Justice of the Supreme Court, the President Justice of the Law Division, the Chancellor and the Associate Justices of the Supreme Court shall be nominated by the Governor and appointed by him, with the advice and consent of the Senate. They shall not be less than thirty-five years of age, and shall have been practicing attorneys in the State for at least ten years. They shall hold office for the term of seven years; shall, at stated times, receive for their services a compensation which shall not be diminished during their term of office, and they shall hold no other office under the government of the State, or of the United States, and shall not engage in the practice of law during their term of office. The Chancellor and the Chief Justice of the Supreme Court, and the Vice-Chancellors and Associate Justices of the Supreme Court, in office when this amendment takes effect, shall be Justices of the Supreme Court until the expiration of their respective terms.

Requirements.

Term.

Present judicial officers continued.

Circuit court judges continued.

The Circuit Court Judges in office when this amendment takes effect shall be continued in office with the powers of the Justices of the Supreme Court at the circuit until the expiration of their respective terms. They may hold the County Courts, subject to assignment by the Law Division of the Supreme Court.

Judges of county courts.

2. The Governor, by and with the advice and consent of the Senate, shall appoint one judge of the County Court in each county, and such additional County Judge or Judges in any county as may be authorized by law. The County Judges may hold court in any county subject to the control of the Supreme Court. The County Judges shall not be less than thirty years of age, and shall have been practicing attorneys in this State for at least five years. They shall hold office for the term of five years; shall at stated times receive for their services such compensation, which shall not be diminished during their term of office, as the Legislature in its discretion shall fix

Requirements.

Term.

for each county, and they shall hold no other office under the government of the State or of the United States, and shall not engage in practice of the law in the courts of the county where they hold court during their term of office. The judges of the Common Pleas in office when this amendment takes effect shall be the judges of the County Courts until the expiration of their present terms.

Amendment effective.

3. This amendment shall take effect on the first Monday in February, in the year next following its adoption by the people.

Laws necessary.

4. The Legislature shall pass all laws necessary to carry into effect the provisions of the constitution and this amendment thereof.

FOURTH AMENDMENT.

For

This Amendment.

Against

Salary of members of legislature.

Strike out paragraph 7 of Section IV of Article IV, and insert in place thereof the following:

7. Members of the Senate shall receive annually the sum of one thousand dollars, and members of the General Assembly shall receive annually the sum of ten hundred dollars during the time for which they shall have been elected and while they shall hold their office, and no other allowance or emolument, directly or indirectly, for any purpose whatever. The President of the Senate and the Speaker of the General Assembly shall, in virtue of their offices, receive an additional compensation, equal to one-third of their allowance as members.

FIFTH AMENDMENT.

For

This Amendment.

Against

(The different paragraphs of this amendment being necessarily interdependent, are considered as one amendment.)

Election of legislature.

Strike out paragraph 3 of Section I, of Article IV, and insert in place thereof the following:

3. Elections for members of the Senate and General Assembly shall be held every two years on the first Tuesday after the first Monday in November, beginning anno domini one thousand nine hundred and ten, and every second year thereafter; and the two Houses shall meet separately on the second Tuesday in January in each year, at which time of meeting the legislative year shall commence.

County senator.

Strike out paragraph 1 of Section II, Article IV, and insert in place thereof the following:

1. The Senate shall be composed of one Senator from each county in the State, elected by the legal voters of the counties respectively, for four years.

Strike out paragraph 2 of Section II, of Article IV, and insert in place thereof the following:

Senate divided into classes.

2. As soon as the Senate shall meet after the first election to be held in pursuance of this constitution they shall be divided by the Senate as equally as may be into two classes. The seats of the Senators of the first class shall be vacated at the expiration of the second year; of the second class, at the expiration of the fourth year, so that one class may be elected every second year and if vacancies happen, by resignation or otherwise, the persons elected to supply such vacancies shall be elected for the unexpired terms only; *provided*, that the Senators having the longest period of time still to serve at the time of making said division shall be entitled to the longer terms.

Proviso.

General Assembly.

Strike out paragraph 1 of Section III, Article IV, and insert in place thereof the following:

1. The General Assembly shall be composed of members elected by the legal voters of the counties, respectively, every second year, beginning on the first Tuesday after the first Monday in November, anno domini one thousand nine hundred and ten, who shall be apportioned among the said counties as nearly as

Assembly districts.

may be according to the number of their inhabitants. The Legislature shall, in the year one thousand nine hundred and ten, and at its first session after each United States decennial census hereafter, and not oftener, divide and arrange each county of this State into a district or districts for the election therein of a member or members of the General Assembly. Each Assembly district so constituted shall contain, as nearly as practicable, an equal number of inhabitants, and shall consist of convenient and contiguous territory in a compact form, but no county, or part thereof, shall be joined with any other county, or part thereof, in any such district; *provided,* that each county shall, at all times, be entitled to at least one member, and the whole number of members to be chosen shall never exceed sixty.

Proviso.

Court to review districting of counties.

The Court of Last Resort, by whatever name known, is hereby invested with exclusive original jurisdiction and with full power, under such procedure as it may by rules prescribe, to review any division and arrangement made by the Legislature into Assembly districts of the counties of this State for the purpose of determining whether such arrangement and division, or any part thereof, is in accordance or in conflict with this section, and, if in conflict herewith, to adjudge the same, or such part thereof as may be in conflict herewith, null and void. In case said court shall determine such arrangement and division, or any part thereof, to be null and void the Legislature shall proceed to make a new arrangement and division, entire or partial, as the action of the court may require.

Term of governor.

Strike out paragraph 3 of Article V and insert in place thereof the following:

3. The Governor shall hold his office for four years, to commence at twelve o'clock noon on the third Tuesday of January next ensuing the election for Governor by the people, and to end at twelve o'clock noon on the third Tuesday of January four years thereafter; and he shall be incapable of holding that office for four years next after his term of service shall have expired; and no appointment or nomination to office shall be

Cannot succeed himself.

made by the Governor during the last week of his said term.

Term of county clerks and surrogates.

Strike out paragraph 6 of Section II, of Article VII, and insert in place thereof the following:

6. Clerks and surrogates of counties shall be elected by the people of their respective counties at the elections for members of the General Assembly. They shall hold their offices for six years.

Term of sheriffs and coroners; cannot succeed themselves.

Strike out paragraph 7 of Section II, Article VII, and insert in place thereof the following:

7. Sheriffs and coroners shall be elected by the people of their respective counties at the elections for members of the General Assembly, and shall hold their offices for four years, after which four years must elapse before they can be again capable of serving. Sheriffs shall annually renew their bonds.

Add to Section II of Article VII three paragraphs, to be known as paragraphs 12, 13 and 14, to read as follows:

General election day for state and county officers.

12. All elections for Governor, members of the Senate and General Assembly, sheriffs, coroners, county clerks and surrogates of counties and all other officers now or hereafter necessary to be chosen by the electors of the whole State, or of any county thereof, shall be held every second year, on the first Tuesday after the first Monday in November, beginning anno domini one thousand nine hundred and ten.

Election day for justices of peace and municipal officers.

13. All elections for justices of the peace and all and any municipal officers, as distinguished from State and county officers as hereinbefore provided, now or hereafter necessary to be chosen by the electors of any city, borough, town, township, village or subdivision thereof, or any municipality of this State, except counties, shall be held every second year on the first Tuesday after the first Monday in November, beginning anno domini one thousand nine hundred and eleven.

Continuance of present officials.

14. Except as herein provided with relation to the office of Senators, all officers filling any elective office at the time these amendments take effect shall continue in the exercise of the duties thereof according to their respective commissions or terms of office, and until

their successors may be elected and qaulified under the provisions of these amendments, and all officers whose terms of office would expire after these amendments take effect and prior to the election and qualification of their successors in office, at the election for the respective offices first held under the provisions of these amendments, shall continue in office until their successors can be elected and qualified, at the election for such office or offices to be held next after these amendments take effect, according to the provisions hereof.

Laws to make effective the amendments.

The Legislature shall pass all necessary laws to arrange the terms of office of all statutory elective officers so that said terms may be in harmony with these amendments, and to carry into effect the provisions hereof.

Amendments effective.

These amendments, if adopted, shall take effect and go into operation on the first day of February, in the year of our Lord one thousand nine hundred and ten.

DIRECTIONS FOR VOTING.

How to vote.

Below each amendment, separated so far as capable of separation, are printed the words "For" and "Against." To vote for any particular amendment strike out the word "Against." To vote against any particular amendment strike out the word "For." No ballot will be counted for or against any amendment unless the vote is indicated by striking out either the word "For" or the word "Against." Ink or pencil may be used for such purpose.

As to count of ballots.

4. Said ballot deposited in the ballot-box shall be counted as a vote in favor of all the amendments with reference to which the word "Against" has been stricken out, and as a vote against all amendments with reference to which the word "For" has been stricken out; and shall not be counted as a vote against or for any amendment unless the voter shall have stricken out either the word "For" or the word "Against" with reference to such amendment; such striking out may be done with ink or pencil.

Legal voters.

5. All persons entitled to vote in this State for members of the Legislature at the time of said special

election shall be entitled to vote in their respective election districts or precincts; *provided,* they shall have been registered as hereinafter provided. Proviso.

6. It shall be the duty of the district boards of registry and election to make, alter and revise, as the case may require, the registry of voters entitled to vote in their several districts or voting precincts, for use at said special election, in the manner now required by law for general elections; *provided, however,* that where the boundaries of the election districts or voting precincts have remained unchanged since the last local or municipal election it shall not be necessary for said district boards of registry and election to make a new registry of the voters in such districts or precincts, but only to revise and correct the registry used at such local or municipal election, and for that purpose the said district boards of registry and election shall meet at the places in their respective election districts or precincts where the said special election shall be held, or at such other place as shall be designated by the clerk of such city, township or municipality, on Tuesday, the seventh day of September next, at one o'clock in the afternoon of that day, and continue in session until nine o'clock in the evening, for the purpose of revising and correcting the registry and of adding thereto the names of all persons entitled to vote at said special election who shall appear in person before them and establish to the satisfaction of a majority of such boards that they are entitled to vote in that election district or precinct at such special election, or who shall be shown by the written affidavit of a voter residing in the same district or precinct to be so entitled to vote; a separate affidavit shall be required for each person so registered, which shall contain the address of the affiant, and shall be signed by him. Said registry lists may be corrected and added to on the day of the special election. Registry list. Proviso. Correction of registry.

7. The county boards of election in the several counties shall sit on the Saturday next preceding such election, and also on the day of election, from eight o'clock in the forenoon till five o'clock in the after- County boards of election.

noon of each of said days, and perform the same duties in respect to such registry as is now provided by law in respect to the registry for any general election, and each member of said board shall receive the sum of five dollars for his services under the provisions of this act for each of said days.

Election laws applicable.

8. All laws respecting illegal voting or other offences against the election laws of this State shall be applicable to such special election.

How to vote.

9. No official envelope shall be required or used at such election, but each person entitled to vote shall receive one ballot, to be furnished by a member of the board of election, and shall retire with the same into one of the election booths to prepare his ballot, and shall then deliver the same folded to a member of the election board, who shall immediately deposit the same in the ballot-box in the presence of the voter; the manner of voting and the procedure of the election officers shall, in all respects, as far as practicable, conform to the requirements of the general law respecting elections.

Canvass the ballots.

10. After finally closing the polls of such election, the respective boards of registry and election shall count and canvass the ballots given relative to each of the said proposed amendments to the Constitution, and thereupon shall set down in writing the whole number of votes given for each of the said proposed amendments in the words in which the said proposed amendment is hereinbefore given, and the whole number of votes given against each of the said proposed amendments as hereinbefore given, and shall certify and subscribe a statement of the result of the same, and cause the same so certified to be delivered to the clerk of the county in which the election district or precinct is situated within three days after said election, who shall forthwith file the same in his office as an official paper.

Certificate of result filed.

Canvassing by county boards of election.

11. The county boards of election of the several counties of this State shall meet on Monday, the twentieth day of September next, at the hour of eleven

o'clock in the forenoon of that day, at the court-houses of their respective counties; the clerk of the county shall thereupon produce before said board the certificates filed in his office in pursuance of the preceding section of this act, and said board shall thereupon proceed to examine the same and make and certify duplicate statements of the result of said election as shown thereby, and cause one of such statements so certified to be delivered to the clerk of the county, who shall forthwith file the same in his office as an official paper; and said board shall cause the other of such statements to be transmitted by mail to the Secretary of State on or before the twenty-fifth day of September next, who shall forthwith file such statement in his office as an official paper; the said county board of election shall have power to adjourn their meeting, if necessary, in order to properly discharge their duties under this section.

Duplicate statements.

12. It shall be the duty of the Governor to summon to attend him, on the thirtieth day of September next, at least four of the members of the Senate, who shall meet on said day of September in the Senate chamber, in the city of Trenton, at the hour of two o'clock P. M., and they, with the Governor, shall constitute a Board of State Canvassers to canvass and estimate the votes given for and against each of said amendments, and the said Board of State Canvassers shall proceed to organize and determine the result according to the provisions of the act entitled "An act to regulate elections" (Revision of 1898), approved April fourth, one thousand eight hundred and ninety-eight, so far as they are applicable, and it shall be the duty of the Secretary of State to produce and lay before such board all such statements and copies as relate to such election which he shall have received or obtained pursuant to this act or pursuant to the above-stated act to regulate elections; the said Board of State Canvassers shall determine and declare which of said proposed amendments have been adopted, and shall forthwith deliver a statement of the result as to each amendment to the Secre-

State board of canvassers.

Duties of secretary of state.

tary of State of this State, to be filed in his office as an official paper; and any proposed amendment which by said certificate and determination of the Board of State Canvassers shall appear to have received in its favor a majority of all the votes cast in the State for and against said proposed amendment shall, from the time of filing such certificate, be and become an amendment to and part of the Constitution of this State; and it shall be the duty of the Governor of this State forthwith, after such determination, to issue a proclamation declaring which of said proposed amendments have been adopted by the people.

Proclamation declaring amendments adopted.

Notice of special election.

13. Notice of the time and purpose of said special election, which notice shall contain such proposed amendments in full, shall be published in at least two newspapers printed and circulated in each county of this State for four weeks, once in each week, next preceding said fourteenth day of September, said newspapers to be designated by the President of the Senate, the Speaker of the House of Assembly and the Secretary of State, and the Secretary of State shall furnish a copy of such notice to each of the newspapers so selected, but neglect or failure to make such publication shall not impair the validity of such special election.

Notice of meetings of local election boards.

14. The same notice of meeting of the district boards of registry and election for the purpose of making or revising registries to be used at such election, and the notice of such special election in the various election districts or precincts shall be given as is now required by law in case of the election for members of the Legislature.

Compensation of election officers.

15. For the services and duties required and imposed upon them, under and by virtue of this act, the members of the boards of registry and election shall each receive the sum of three dollars for making or revising the registry and five dollars for conducting the election, to be paid as the expenses of elections for members of the General Assembly are now paid.

Price for advertising election.

16. The price for publishing in any newspaper the notice of this election, required to be given by the Secretary of State, shall be sixty cents per folio of one hundred words for the first insertion, and thirty cents per folio for each subsequent insertion after the first.

Ballots, etc., prepared by Secretary of State.

17. It shall be the duty of the Secretary of State to prepare and have printed a sufficient number of ballots required by this act, in the form herein provided, for the use of the voters, and shall, at least two weeks before the time herein fixed for said special election, transmit to the clerk of each county in this State a sufficient number for the use of the voters therein, and also blank statements of the result of the election and copies of this act, and it shall be the duty of the clerk of each county, at least one week before said election, to transmit to the district boards of registry and election in each election district or precinct in his county a sufficient number of such ballots and blank statements for the use of the voters and the board of election in such district or precinct; on the back of each of said ballots shall be printed the words, "special election, September fourteenth, nineteen hundred and nine; official ballot"; then shall follow the fac simile of the signature of the Secretary of State, and no ballot shall be used or counted at such election except such official ballots; *provided,* that if in any election district the official ballots shall not have been delivered, or shall have been destroyed or stolen, or the supply of ballots shall have become exhausted, the deficiency shall be supplied in the manner provided by the provisions of the law regulating general elections, and such proceedings shall be taken as shall conform as nearly as possible to the requirements of that law.

Distribution of ballots.

Proviso.

Ballots procurable before election day.

18. Any voter may procure from the Secretary of State official ballots for said election in the manner and upon the same terms as are prescribed by law for furnishing official ballots at general elections upon payment of the expense of printing the same, which ballots the Secretary of State is required to furnish; said ballots may be distributed before election day, and the same may be voted by any voter desiring to do so

under the restrictions and regulations prescribed by law.

19. This act shall take effect immediately.

Approved April 21, 1909.

CHAPTER 240.

An Act making appropriations to enable the Attorney General to retain special counsel to assist in the defense of pending litigation.

Preamble.

WHEREAS, There is now pending in the Supreme Court of the United States a suit brought by the State of New York against the State of New Jersey to restrain the construction of the Passaic Valley trunk sewer, and it is advisable to secure the services of special counsel to assist in the defense of the said suit.

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

Appropriation to defend suit against State.

1. The sum of five thousand dollars, or so much thereof as may be necessary for the purpose, is hereby appropriated to the Attorney General to be used as compensation for the services of special counsel in the defense of the suit now pending in the United States Supreme Court, brought by the State of New York against the State of New Jersey to restrain the construction of the Passaic Valley trunk sewer; such money to be paid by the Treasurer on the warrant of the Comptroller on vouchers approved by the Attorney General.

Repealer.

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

Approved April 21, 1909.

CHAPTER 241.

An Act to amend an act entitled "An act to provide for the assessment and collection of taxes," approved April eighth, one thousand nine hundred and three.

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

1. Section fifty-seven of the act to which this is an amendment is hereby amended so as to read as follows: Section 57 amended.

57. The owner, mortgagee, occupant or other person having an interest in the land sold for taxes, may redeem the same at any time within two years from the date of sale or at any time thereafter until the right to redeem has been cut off in the manner hereinafter set forth, by paying to the collector or other collecting officer of delinquent taxes on lands of the municipality where the land is situate, the amount of purchase money shown on the certificate with twelve per cent. interest thereon, together with such other fees and expenses as may be incurred by the purchaser under this act for recording fees and fees for the service of notices, where the purchaser shall have made and filed with such collector, or other collecting officer, an affidavit showing the costs of recording and notices necessarily served, and the fees and expenses incurred by the purchaser in ascertaining the owner or owners, mortgagee or mortgagees, occupant or other person or persons having an interest or a lien in or on such premises so sold for taxes; *provided, however,* that such fees and expenses incurred by the purchaser, as last aforesaid, shall not exceed the following rates, to wit: on any one lot or parcel of land containing five thousand square feet or less, ten dollars; on any lot or plot of land containing three acres, twenty-five dollars; and on any lot or plot of land containing more than three acres, forty dollars; and the collector or other collecting officer, as in this section mentioned, on receiving such payments in full shall restore to the owner said land, and the sale shall be void, or where the redemption is made by a mortgagee or other person having a lien on

Redemption by owner or mortgagee.

Proviso.

Rates of expenses.

Restoration to owner.

the land, not primarily liable to pay the tax, the person so paying shall succeed to the tax lien paid by him, and the purchaser shall on receipt of the redemption moneys, in full from the collector or other officer as in this section mentioned, at the option of the party making the payments, either assign the certificate of sale by assignment under seal and acknowleged as a conveyance of land to the person redeeming, or execute a satisfaction of the certificate of sale or cancel the same by endorsement in the manner required by law to satisfy or cancel a mortgage, whereupon the record of the lien shall be cancelled by the county clerk or register in like manner and for the same fees as in the case of mortgages.

Section 58 amended.

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

Cancellation of certificates.

58. When payment shall be made in accordance with the provisions of section fifty-seven of this act, the collector or other collecting officer as described in section fifty-seven so receiving such payments shall deliver to the person making the same, a certificate of redemption, duly acknowledged, which said certificate may be filed with the county clerk or register of the county, who shall thereupon cancel the record of such certificate and the lien thereof, in like manner and for the same fees as is provided for the cancellation of mortgages, whereupon the land described in said certificate shall be discharged from the lien thereof and the sale; or at the option of the party redeeming, the purchaser shall execute an assignment of the certificate upon the receipt of all moneys he may be legally entitled to. The collector or other officer, as described in section fifty-seven of this act, shall pay all the redemption moneys to the person entitled thereto on his surrender of the certificate of sale, and shall at once, on receipt of the money mail notice thereof to such purchaser if his address can be ascertained.

Land discharged from lien on filing certificate.

Payment of redemption moneys.

3. This act shall take effect immediately.

Approved April 21, 1909.

CHAPTER 242.

An Act to amend an act entitled "A supplement to an act entitled 'An act creating asylum districts in this State and providing for the appointment of boards of managers for the State Hospitals for the Insane at Trenton and Morris Plains, approved May eighteenth, eighteen hundred and ninety-seven'," which supplement was approved May second, one thousand nine hundred and six.

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 be and the same is hereby amended so as to read as follows:

Salary of secretary.

1. The Board of Managers of the New Jersey State Hospital at Trenton and the Board of Managers of the New Jersey State Hospital at Morris Plains are each hereby authorized to appoint a secretary to such board, at an annual salary to be fixed and determined by such board, not exceeding one thousand dollars, by and with the approval of the Governor, to be paid out of the appropriation made by law to said boards respectively.

2. This act shall take effect immediately.

Approved April 21, 1909.

CHAPTER 243.

A Supplement to an act entitled "An act to establish a thorough and efficient system of free public schools and to provide for the maintenance, management and support thereof," approved October nineteenth, one thousand nine hundred and three.

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

Tenure permanent after three years.

1. The service of all teachers, principals, supervising principals of the public schools in any school district of this State shall be during good behavior and efficiency, after the expiration of a period of employment of three consecutive years in that district, unless a shorter period is fixed by the employing board; *provided,* that the time any teacher, principal, supervising principal has taught in the district in which he or she is employed at the time this act shall go into effect, shall be counted in determining such period of employment. No principal or teacher shall be dismissed or subjected to reduction of salary in said school district except for inefficiency, incapacity, conduct unbecoming a teacher or other just cause, and after a written charge of the cause or causes shall have been preferred against him or her, signed by the person or persons making the same, and filed with the secretary or clerk of the Board of Education having charge of the school in which the service is being rendered, and after the charge shall have been examined into and found true in fact by said Board of Education, upon reasonable notice to the person charged, who may be represented by counsel at the hearing. Charges may be filed by any person, whether a member of said school board or not.

Proviso.

As to charges or reduction of salary.

Hearing.

Compel witness by subpoenas.

2. Said Board of Education shall have power to issue writs of subpœna on behalf of either party to compel attendance of witnesses to testify before said board in the matter under investigation, which subpœna shall be issued under the seal of said board and

be signed by the secretary or clerk thereof, and shall be served in the same manner as subpœnas issued out of the Courts of Common Pleas of this State, and every person who refuses or neglects to obey the command of such a writ, or, who, after appearing, refuses to be sworn and testify, shall in either event be liable to a penalty of fifty dollars, to be sued for in the name of said board in any court of competent jurisdiction, which penalty when collected shall be paid to the treasurer or custodian of moneys of said board. Any member of said board is hereby authorized to administer oaths to such witnesses as may appear or be brought before it, and any person who shall have been so sworn and who shall testify falsely, shall be guilty of perjury.

Penalty.

Oaths.

3. Nothing herein contained shall be held to limit the right of any school board to reduce the number of principals or teachers employed in any school district when such reduction shall be due to a natural diminution of the number of pupils in said school district; *and, provided further,* that the service of any principal or teacher may be terminated without charge or trial who is not the holder of a proper teacher's certificate in full force and effect.

Dismiss teachers if pupils decrease.

Proviso.

4 This act shall take effect September first, one thousand nine hundred and nine.

Effective.

Approved April 21, 1909.

CHAPTER 244.

An Act to regulate the pay of patrolmen on the police force in cities, other than first and second class cities, and in all towns and townships of this State.

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

Pay of policemen.

1. In all cities, other than first and second class cities, and in all towns and townships of this State, the pay or salary of all patrolmen on the police force shall be not less than eight hundred dollars per annum,

Schedule.

for the first year of service dating from the time of appointment, with an increase of fifty dollars per year for each year of service thereafter, until such salary shall reach the sum of twelve hundred dollars per annum, when such increase shall cease; such salaries to be paid semi-monthly. All patrolmen in any municipality receiving more than eight hundred dollars per year when this act takes effect therein shall continue to receive said salary, but shall not receive any increase hereunder until they shall have served a sufficient time to entitle them thereto upon the above schedule of service and salary.

Referendum.

2. This act shall take effect immediately, but its provisions shall remain inoperative in any such municipality until the same shall be accepted by the voters of said municipality by a majority of votes cast for or against such act at any general election hereinafter to be held in such municipality. If the majority of those voting for or against the acceptance of this act shall be in favor of its acceptance, the provisions thereof shall be deemed to be accepted by such municipality, and such municipality shall be bound by the terms thereof. When the question of the acceptance of this

Ballots.

act shall be submitted to the voters, there shall be printed upon the official ballots for every election precinct, district or ward of such municipality the word "for" and the word "against" above and immediately

preceding the words "the act of 1909 to regulate compensation of policemen."

How counted. If the word "for" be marked off or defaced upon the ballot, it shall be counted as a vote against acceptance of this act; of the word "against" be marked off or defaced upon the ballot, it shall be counted as a vote in favor of the acceptance of this act; and in case neither the word "for" nor the word "against" be marked off or defaced upon the ballot, it shall not be counted as a vote either for or against such acceptance. There shall be a canvass and return of the votes upon the question of the acceptance of this act made by the election officers in the same way and manner as for officers voted for at such election, and, if the majority of the votes cast for or against the acceptance of this act shall be found to be in favor of its acceptance, it shall then, but not otherwise, become operative and binding upon the municipality wherein such vote shall have been taken.

Canvass.

When election held. 3. The question of the acceptance or rejection of this act shall be submitted to the voters at any general election only upon an order of the governing body of such municipality, expressed by resolution, and voted for by a majority of all the members of said body, passed at least thirty days before said election.

When effective. 4. In any municipality in which this act shall become operative in the manner therein provided, the increase of pay or salaries therein made shall go into effect on the first day of the next calendar month thereafter, notwithstanding that there may not be an existing appropriation or fund sufficient to permit such increase, and the board or authority having control of the finances of such municipality shall borrow a sufficient sum to cover such increase for the remainder of the current fiscal year of such municipality, or may permit the same to be paid out of any money of said municipality, and shall put such sum in the next tax levy raised in said municipality.

Funds to meet deficiency.

5. This act shall take effect immediately.

Approved April 21, 1909.

CHAPTER 245.

An Act to encourage the propagation of fish and to regulate the catching, taking and destruction of fish in the Delaware river above Trenton Falls, within the jurisdiction, respectively, of the commonwealth of Pennsylvania and of the State of New Jersey, and providing penalties for violation of its provisions, and to repeal acts inconsistent therewith.

Preamble.

WHEREAS, By virtue of a joint resolution of the commonwealth of Pennsylvania, approved the eighth day of May, A. D., one thousand nine hundred and seven, entitled "A Joint Resolution providing for the creation of a commission to co-operate with the authorities of the States of New Jersey and New York in regard to the propagation, protection and catching of sturgeon, shad, bass, perch and other fish in the Delaware river; the adoption of concurrent laws relevant thereto by such States, and to co-operate with the authorities of the State of Maryland in regard to fish and fishing in the Susquehanna river, and the adoption of concurrent laws relevant thereto by such States; and to inquire in relation to the pollution of the waters of said rivers, and recommend legislation regulating and controlling the same; and making an appropriation for those purposes," the following were appointed commissioners on the part of the commonwealth of Pennsylvania: From the Senate, Frederick A. Godcharles, Webster Grim and Algernon B. Roberts; from the House of Representatives, Hiram J. Sedwick, Alfred Marvin and Joseph N. Hunter; by the Governor, Edwin S. Stuart, Henry F. Walton, and, by the terms of the Joint Resolution, the Commissioner of Fisheries, W. E. Meehan, and Frank B. McClain, Speaker of the House; and

WHEREAS, By a joint resolution passed by the Legislature of the State of New Jersey, approved March twenty-fifth, A. D. one thousand nine hundred and

eight, entitled "A Joint Resolution for the creation of a commission to co-operate with the authorities of the States of Pennsylvania and New York in regard to the propagation, protection and catching of fish in the Delaware river, and to inquire into any causes of pollution of the waters of said river, and to recommend legislation in regard to such propagation, protection and catching of fish in the Delaware river, and to obviate the pollution thereof," the following were appointed to represent the State of New Jersey: From the Senate, Edmund W. Wakelee and Joseph S. Frelinghuysen; from the Assembly, Austen Colgate, Oliver C. Holcombe, Henry D. Thompson; by the Governor, John Franklin Fort, Dr. Henry Van Dyke, and, by the terms of the resolution, President of the Fish and Game Commission, B. C. Kuser; President of the Senate, Thomas J. Hillery, and Frank B. Jess, Speaker of the House of Assembly; and

WHEREAS, The commissions of the said commonwealth of Pennsylvania and the State of New Jersey have been duly organized as provided and required by law; and

WHEREAS, The commissioners of the said commonwealth of Pennsylvania and of the State of New Jersey, in joint meeting held for that purpose, have agreed upon uniform laws to provide an act providing uniform laws to encourage the propagation of fish and to regulate the catching, taking and destruction of fish in the Delaware river above Trenton Falls within the concurrent jurisdiction of the commonwealth of Pennsylvania and the State of New Jersey, and providing penalties for violation of its provisions; therefore,

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

1. The provisions of this act shall affect and apply only to the propagation, catching, taking and protection and destruction of fish in the waters of the Dela- Waters affected.

ware river above Trenton Falls lying between the commonwealth of Pennsylvania and the State of New Jersey.

Common rights to fish.

2. The inhabitants of the commonwealth of Pennsylvania and of the State of New Jersey shall have and enjoy a common right of fishery throughout, in and over the waters of said river between low-water mark on each side of said river between said States above Trenton Falls, except so far as either State may have heretofore granted valid and subsisting private right of fishery.

Game fish defined.

3. For the purposes of this act the following fish shall be designated as game fish, to wit: Black bass or small mouth bass; large mouth bass, otherwise called Oswego or yellow bass; strawberry or calico bass; rock bass, otherwise known as red eye or goggle eye; white bass; crappie; pike-perch, otherwise called wall-eyed pike or Susquehanna salmon; pike; pickerel; white perch; yellow perch; charr, commonly called brook or speckled trout, or any form of trout. The following

Bait fish.

shall be designated as bait fish, to wit: All species of minnows, killifishes and stone cat-fish. All other species or varieties of fish whatsoever shall be designated as food fish.

Rod or hand lines only allowed.

4. It shall be unlawful to catch or fish for any game fish in any part of the Delaware river above Trenton Falls with any device or by any means or method whatsoever, excepting with rods and lines or hand lines, commonly called dipsey or throw lines, each having not more than three hooks, or with trolling lines with spoon or artificial bait having not more than one burr of three single hooks attached. The number of rods and lines or the number of trolling lines not to exceed two of one or the other device named, and said lines must be under the direct and immediate supervision of

Penalty.

the person fishing therewith. Any person violating any provisions of this section shall, on conviction thereof, be subject to a fine of twenty dollars.

Taking bait fish.

5. It shall be unlawful to fish for bait fish in the Delaware river above Trenton Falls, except with the following devices, to wit: Rods and lines and hand

lines with not more than three hooks attached; a minnow seine not more than one hundred feet in length; a dip net not more than five feet square; a minnow trap, the opening of which shall not be more than one and one-quarter inches in diameter; a scoop net with a single handle and with a diameter of net not more than two feet. Any person who uses any other device, method or means for catching bait fish other than those specified in this section shall, on conviction thereof, be subject to a fine of twenty dollars. Penalty.

6. It shall be unlawful to fish for food fish in the Delaware river above Trenton Falls with any device, method or means excepting by the following devices and under regulations and restrictions hereinafter described, to wit: A seine, an eel pot or fyke net, each without wings, and rods and lines or hand lines, otherwise known as dipsey or throw lines, each having not more than three hooks. Any person who shall use or employ any method or device for catching food fish other than those named in this section, or shall use or employ any device named in this section contrary to the regulations or restrictions hereinafter mentioned shall be subject to a fine of twenty dollars. Taking food fish. Penalty.

7. It shall be unlawful for any person to catch and take or attempt to catch and take sturgeon from the Delaware river above Trenton Falls with any device excepting a seine, the meshes of which shall not be less than thirteen inches stretched measure while being fished, or to catch and take or attempt to catch and take any other food fish from said waters with a seine the meshes of which shall be less than two and one-half inches stretched measure while being fished. It shall also be unlawful for any person to catch and take or attempt to catch and take any food fish, except sturgeon, by means of a seine between the tenth day of June in each and every year and the first day of March next ensuing. Any person who shall violate any of the provisions of this section shall, on conviction thereof, be subject to a fine of one hundred dollars, together with a forfeiture of all nets, boats and appliances used. Size of mesh of nets. Season for seine fishing. Penalty.

New Jersey State Library

Use of staked nets.

8. It shall be unlawful for any person to catch and take or attempt to catch and take any fish of any kind from the Delaware river above Trenton Falls with a net of any character which is anchored or staked or fastened down in any manner, permanently or otherwise, or to use any net so anchored or fastened down in any manner, nor shall any net of any kind or character, excepting an eel pot or a fyke net, each without wings, be used for the purpose of catching and taking fish in said waters within one-half mile above or below the mouth of any river, creek or stream emptying into said Delaware river above Trenton Falls.

Penalty.

Any person who shall violate any of the provisions of this section shall, on conviction thereof, be subject to a fine of twenty dollars, together with the forfeiture of boats, nets and other appliances used.

Prohibited hours for fishing.

9. It shall be unlawful for any person to catch and take or attempt to catch and take fish of any kind or description from the Delaware river above Trenton Falls, by means of a net or to use a net of any character in the waters aforesaid, from Saturday at twelve o'clock noon until Monday at six A. M. next ensuing in each week.

Penalty.

Any person violating any of the provisions of this section shall on conviction thereof be subject to a fine of one hundred dollars, together with a forfeiture of all nets, boats and other appliances used.

Catching food fish with line.

10. It shall be lawful to catch food fish with rods and lines and hand lines and trolling lines as described in section four of this act, at any time of the year in the Delaware river above Trenton Falls, but it shall be unlawful to fish for and take game fish, excepting from the fifteenth day of June to the first day of December, inclusive, in each year.

Penalty.

Any person violating any of the provisions of this section shall on conviction thereof be subject to a fine of ten dollars for each and every fish so taken.

Use of eel pots and fyke nets.

11. It shall be unlawful to use eel pots and fyke nets, each without wings, in the Delaware river above Trenton Falls from June first to July first in each

year, both dates inclusive, but it shall be lawful to use eel pots and fyke nets, each without wings, from July first to May thirty-first, both dates inclusive, in each year, for the purpose of catching carp, catfish, eels and suckers only. All other species of fish which may be caught in said nets must be returned unharmed immediately to the waters from which taken; *provided,* that the entrance of said eel pot and fyke net shall not be more than six inches in diameter and the outside diameter not more than thirty inches. Any person violating any of the provisions of this section shall on conviction thereof be subject to a fine of twenty dollars, together with a forfeiture of all nets, boats and other appliances used.

Proviso.

Penalty.

Size of fish allowed.

12. It shall be unlawful for any person to catch and take or attempt to catch and take from the Delaware river above Trenton Falls in any manner whatsoever any striped bass, otherwise known as rock fish, weighing more than twenty pounds or measuring less than ten inches in length, or any sturgeon less than five feet in length, or any black bass, or any small mouth bass, large mouth bass, otherwise known as Oswego or yellow bass, less than nine inches in length, or any pike, or pickerel, or any pike-perch, otherwise known as wall-eyed pike or Susquehanna salmon, less than twelve inches in length, or any calico or strawberry bass, crappie, white bass, rock bass, otherwise known as red eye or goggle eye, or trout or charr, less than six inches in length. Any fish of a less length than those described, or any striped bass commonly called rock fish weighing more than twenty pounds which may be caught must be returned immediately to the water. *Provided,* that nothing in this section shall be so construed as to prevent the fishery authorities of the commonwealth of Pennsylvania or of the State of New Jersey capturing fish of any size from said waters, or at any time of the year, or in any manner for propagating purposes and for stocking other waters in their respective States through their authorized representatives. Any person who shall violate any of the provisions of this section shall on conviction thereof

Fish returned to water.

Proviso.

Penalty.

be subject to a fine of ten dollars for each and every fish so caught and had in possession.

Injury of nets.

13. It shall be unlawful for any person by boat, anchor, dredge or otherwise in the Delaware river above Trenton Falls to willfully and without reasonable cause interfere with, break, damage or destroy any hauling seine or net of any description being lawfully used. Any person violating any of the provisions of this section shall on conviction thereof be subject to a fine of twenty dollars.

Penalty.

Use of explosives or poisonous matter prohibited.

14. It shall be unlawful for any person to put or place in the Delaware river above Trenton Falls any explosive or poisonous substances whatsoever, any drug or any poison bait for the purpose of catching, taking, killing or injuring the fish, or to allow any dye stuff, coal or gas tar, coal oil, sawdust, tan bark, cocculus indicus (otherwise known as fish berries), lime, vitriol, or any of the compounds thereof, refuse from gas houses, oil tanks or vessels, or any deleterious, destructive or poisonous substances of any kind or character to be turned into or allowed to run, flow, wash or be emptied into any of the waters aforesaid, unless it is shown that every practicable means has been used to prevent the pollution of waters in question by the escape of deleterious substances. In the case of the pollution of waters by substances known to be injurious to fishes or to fish food it shall not be necessary to prove that such substances have actually caused the death of any particular fish. Any person violating any of the provisions of this section shall on conviction thereof be subject to a fine of two hundred dollars.

No pollution of waters.

Penalty.

Sale of fish.

15. It shall be unlawful to purchase, sell or offer for sale, or have in possession any fresh dead game fish or food fish, except during the lawful period for catching the same and the space of six days after such period has expired. Any person violating any of the provisions of this section shall on conviction thereof be subject to a fine of ten dollars for each fish.

Penalty.

Concurrent jurisdiction.

16. The Commonwealth of Pennsylvania and the State of New Jersey shall have concurrent jurisdiction

over all offences and violations of this act, committed or attempted to be committed by any person or persons fishing in the Delaware river above Trenton Falls, within the jurisdiction respectively of the said State of New Jersey and the Commonwealth of Pennsylvania. The procedure in the State of New Jersey for punishing violations of this act, as well as for the confiscation of boats, net and other appliances shall be the same in all respects as provided for in an act of the Legislature of this State entitled "An act to provide a uniform procedure for the enforcement of all laws relating to fish, game and birds, and for the recovery of penalties for violations thereof," approved March twenty-ninth, one thousand eight hundred and ninety-seven, and the acts amendatory thereof and supplementary thereto. Procedure to enforce law.

17. Any person or persons who shall by threat, menace or force, or in any manner attempt to deter or prevent any fish warden or other person authorized to make arrests for violation of the fish laws in either State from enforcing or carrying into effect any provisions of this act, or who shall resist arrest or the seizure of boats or nets illegally used shall on conviction thereof be subject to a fine of one hundred dollars. Interfering with officers. Penalty.

18. The following acts are hereby repealed: Sundry acts repealed.

"An act to regulate the fisheries in the river Delaware and for other purposes," passed November twenty-sixth, one thousand eight hundred and eight.

"An act further supplementary to an act entitled 'An act to regulate the fisheries in the river Delaware and for other purposes,' passed the twenty-sixth day of November, one thousand eight hundred and eight," passed November twenty-eighth, one thousand eight hundred and twenty-two.

"An act further supplementary to an act entitled 'An act to regulate the fisheries in the river Delaware and for other purposes,' passed the twenty-sixth day of November, one thousand eight hundred and eight,"

passed February fifteenth, one thousand eight hundred and thirty-three.

"A further supplement to an act entitled 'An act to regulate the fisheries in the river Delaware and for other purposes,' passed November twenty-sixth, one thousand eight hundred and eight," approved March twenty-second, one thousand eight hundred and forty-five.

"A further supplement to an act entitled 'An act to regulate the fisheries in the river Delaware and for other purposes,' passed November twenty-sixth, one thousand eight hundred and eight," approved March twelfth, one thousand eight hundred and fifty-two.

"A further supplement to an act entitled 'An act to regulate the fisheries in the river Delaware and for other purposes,' passed the twenty-sixth day of November, anno domini one thousand eight hundred and eight," approved February twenty-sixth, one thousand eight hundred and fifty-eight.

"A further supplement to an act entitled 'An act to regulate the fisheries in the river Delaware and for other purposes,' passed November twenty-sixth, one thousand eight hundred and eight," approved April fifteenth, one thousand eight hundred and seventy-one.

"A further supplement to an act entitled 'An act to regulate the fisheries in the river Delaware and for other purposes,' passed November twenty-sixth, one thousand eight hundred and eight," approved March twenty-seventh, one thousand eight hundred and eighty-four.

"An act for the protection of shad and game fish in the Delaware river," approved April seventh, one thousand eight hundred and ninety.

"An act to regulate the taking of suckers, catfish, carp and eels in the waters of the Delaware river above Trenton Falls by the use of fish baskets," approved April tenth, one thousand nine hundred and eight.

Validity of act.

19. This act shall take effect immediately, but no section, proviso or part of this act shall be considered as valid and operative until a similar act has been enacted by the Commonwealth of Pennsylvania; *pro-*

Proviso.

vided, that when the said Commonwealth of Pennsylvania has enacted a similar act the provisions of this act relating to the size of the meshes of nets shall not become operative until June eleventh, one thousand nine hundred and nine. Act operative.

Approved April 21, 1909.

CHAPTER 246.

An Act in relation to street improvements in villages.

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

1. In every village of this State it shall be lawful for the board of trustees thereof to pass, from time to time, ordinances for grading, curbing, guttering and paving of streets in such village, such ordinances to be passed and adopted as ordinances of like character are now required by law to be passed and adopted in such village. Ordinances for street improvements

2. The expense of such improvements, as they may be from time to time made, shall be paid for by the village at large; and during the progress of the work, it shall be lawful for the board of trustees to borrow money from time to time on notes, or other temporary obligations of the village not to exceed the total cost of such improvements and the expenses connected therewith; and it shall be lawful for said board of trustees to pay the whole cost and expenses of such improvements and the interest on such notes or temporary obligations, as aforesaid, by issuing, either before or after the completion of said improvements, bonds of such village to be called "street improvement bonds," said bonds to run for not exceeding thirty years and to fall due in such amounts and in such years as the board of trustees shall, by resolution, direct; such bonds to be Meeting expenses. Bond issue. Time.

registered or coupon bonds, at the option of the board of trustees, to draw interest at a rate not to exceed six per centum per annum, to be signed by the president of the board of trustees and the village treasurer and countersigned by the village clerk; and the board of trustees shall pledge the property and credit of the village for the payment of the principal and interest of said bonds, which bonds shall not be sold for less than par upon bids advertised for; and it shall be the duty of said board of trustees to raise annually by taxation upon all the real and personal property in the village, a sum not less than the annual interest on such bonds and two per cent. of the principal of such bonds outstanding, which installments of principal shall be annually turned over and paid into the sinking fund of the village to be managed and controlled by three commissioners, who shall be appointed and removed from time to time by the board of trustees, and who shall enter into bond to the village in such sum as the board of trustees may direct.

Rate.

Payment of bonds.

Commission appointed.

3. Whenever any village shall have adopted the provisions of this act it shall be lawful for the board of trustees to appoint, subject to removal by said board of trustees, three commissioners, who shall be residents and freeholders of said village, whose compensation shall be fixed by said board of trustees, who shall proceed forthwith to ascertain the present value of all improvements heretofore made for grading, curbing, guttering and paving of streets in such village for which assessments for the cost and expenses thereof have been or are about to be levied upon any real estate in such village benefited thereby, and they shall apportion the present value of such improvements between the present owners of property originally assessed therefor in the proportion in which it was originally assessed for such improvements. The report of said commissioners may be confirmed or rejected or amended and confirmed as amended by the board of trustees of said village, and if so confirmed by the board of trustees, shall be subject to review by any court of com-

Duties.

Report.

petent jurisdiction. Upon the confirmation by the board of trustees of the report of such commissioners as aforesaid, or upon its confirmation as amended by the board of trustees, the board of trustees shall pay the then owner of such property, the amount so apportioned to him by said commissioners, except that in case any assessment is due for any such improvements, the amount of assessment so due and interest due thereon shall first be deducted from the amount apportioned to the said property owner by said commissioners, and the balance only shall be paid over, and the lien of said assessments shall thereupon be cancelled from the books of said village. For the purpose of providing the money for the payments as aforesaid, and for the purpose of taking up and paying any notes, temporary obligations or bonds theretofore issued by such village for any such street improvement and the interest thereon, and for the purpose of paying any assessments which may have been levied on the village at large for any such street improvements it shall be lawful for the board of trustees of said village to issue bonds as provided by the next preceding section, to be called "Street Improvement Bonds," and the principal and interest of the bonds so issued shall be paid in the same manner as in the next preceding section is provided for the payment of the principal and interest of bonds issued for street improvements for which no assessment is to be levied; *provided,* that no repayment shall be made as heretofore provided for improvements already made until provision has been made for the grading, curbing, guttering and paving of all now existing streets not so improved.

Street improvement bonds.

Proviso.

4. All acts and parts of acts inconsistent herewith are hereby repealed, but this act shall not take effect in any village until it shall have been submitted to the voters of such village at a general or special election, and until it shall have been adopted by a majority of the voters of such village voting upon the adoption or rejection of this act.

Repealer.

Referendum.

Approved April 21, 1909.

CHAPTER 247.

A Supplement to an act entitled "An act respecting county physicians," 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*:

Authority given coroners to continue.

1. The coroners of any county where the office of county physician has been created and a county physician has been or shall be elected by the board of chosen freeholders of said county pursuant to the act to which this is a supplement, who were or shall be elected and qualified as such coroners at or prior to the time of the creation of such office and the appointment of a county physician as aforesaid, shall perform all the duties and exercise all the powers of the said office of coroner in the said county as prescribed by law during the term for which they were respectively elected, and nothing in the act to which this is a supplement shall be construed to take away or limit the powers of any of said coroners, except that whenever such coroner deems it necessary to call to his aid a physician or surgeon he shall call the county physician.

Repealer.

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

Approved April 21, 1909.

CHAPTER 248.

An Act relating to the appointment of special police officers in cities of this State.

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

Special police.

1. In all cities of this State having the power to appoint special police officers, the board or body having charge of the police department therein may appoint special police officers for a term not exceeding one year; and all the powers, duties and rights of such officers shall immediately cease and determine upon the expiration of the term for which they are severally appointed.

One year term.

Officer's badge.

2. The board or body having charge of the police department of any city are hereby authorized to issue to each officer so appointed a special officer badge, and to charge and receive from the person receiving the same such sum as shall be fixed by resolution of such board or body. Such badge shall be issued for a term not exceeding one year, and shall be returned to the board or body issuing the same immediately upon the expiration of the term of the officer receiving the same. The board or body issuing such badge may, in the resolution fixing the sum to be paid for the same, provide for the return to the officer receiving the same of such sum as to it shall seem proper, upon the return and surrender of the badge to the proper police authority.

Charge.

Return.

Disposition of money.

3. The board or body issuing badges and appointing special officers under the provisions of this act, may retain out of the moneys received from the issue of such badges, such sum as in its judgment will be sufficient to provide for the refunding of the sum to be returned upon the surrender of badges as hereinbefore provided; and all moneys received from the issue of such special officer badges after providing for such sums so to be refunded, shall be paid to the police pension fund of the city, if any there be, and if there be no pension fund in such city, then to the treasury of

the city for the support of the police department thereof.

Not regular policeman.

4. Special police officers shall not be members of the police department of the city in which they are appointed, and the board or body having control of the police department of any city, may, at any time, and without notice or opportunity to be heard, in its discretion, revoke any appointment of a special police officer and demand the return of the badge issued to him, and the term of such officer, and all his powers, duties and rights under such appointment shall, thereupon, immediately cease and determine.

Revoking appointment.

Failure to return badge.

5. Any person appointed a special police officer who shall refuse or neglect to return the badge received by him immediately upon the termination of the term for which he is appointed, or who shall act or attempt to act as a special police officer, or who shall show or wear a special police officer badge after the termination of the term for which he is appointed shall be guilty of a misdemeanor.

6. This act shall take effect immediately.

Approved April 21, 1909.

CHAPTER 249.

An Act relating to the construction of purification and filtration plants in connection with the public water supply in certain cities of this State, and providing means for the payment of the cost thereof.

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

Board of health, may after examination, certify to necessity for filtering water.

1. If any city of this State owning its own water works, and managing and operating the same through a board of water commissioners, or other board or committee elected or appointed for that purpose, the

board of health of said city shall certify to the common council, board of aldermen, or other governing body of said city, in writing, that it, the said board of health has investigated the sources of the water supply of said city, and in the opinion of said board of health it is necessary and advisable, in order that the health of the inhabitants of said city may be guarded and preserved, the said water be purified and filtered before the same is distributed to consumers, it shall be lawful for said common council, board of aldermen, or other governing body, after the coming in of said certificate, if in their opinion it is necessary and advisable that a purification and filtration plant be constructed in order that the water supplied consumers in said city be purified and filtered before it is delivered to them, to pass a resolution that a purification and filtration plant be constructed under the provisions of this act, to be operated in connection with the water works of said city, and thereafter the said board of water commissioners, or other board or committee managing and operating said water works, together with the mayor of said city, and the president of the board of health of said city, shall constitute a commission to be known as the Water Purification and Filtration Commissions of said city, and shall serve without compensation. The said commission shall advertise for plans, specifications, bids and proposals for the erection and construction of a complete purification and filtration plant for the public water supply of said city, specifying in their said advertisements, or in instructions to bidders to be furnished on application of any person interested, the general requirements for such plant as to efficiency and capacity, the nature of the security required on bids and on the contract if awarded, the time within which plant must be constructed, and any other matters which said commission shall deem advisable to insert in said advertisement, or in said instructions, and upon the coming in of such plans, specifications, bids and proposals it shall be lawful for said commission to employ, at the expense of said city, if they deem it necessary, a

Resolution for filtration plant.

Commission constituted.

Plans, etc., invited.

Employ consulting engineer.

competent engineer to assist and advise with said commission in the matter of determining which of the plans, specifications, bids and proposals should be accepted; said commission may reject any and all bids and proposals and re-advertise for the same from time to time, and having finally determined either with or without the aid of such engineer which bid and proposal will be for the best interest of said city, having regard to the nature of the work to be constructed according to each of said plans and specifications as well as the amount for which it is proposed to do said work, and having secured any modification or alteration thereof deemed advisable by said commission, shall certify such bid and proposal to the common council, board of aldermen or other governing body of said city, and recommend its acceptance, and said last named body shall thereupon authorize the acceptance of said bid and proposal and the execution of a contract with the person, firm or corporation whose bid and proposal shall be so recommended by said commission in accordance with and upon the terms recommended by said commission, and said city is hereby authorized to make and enter into such contract.

Contract executed.

Construction under control of commission.

2. The matter of the construction of such purification and filtration plant by the firm or corporation with whom such contract has been made shall be under the control and supervision of the said commission, and said commission shall have power to employ at the expense of said city a competent person to supervise such construction, and shall certify to the city from time to time any sums needed for the payment of the person so employed and the amount of any payments on account of such construction which may have become due the contractor under the terms of said contract, and when said plant shall have been fully completed it shall make a final report to said city, certifying the total cost thereof and the balance, if anything, remaining due to be paid. Such sums as may be so certified as due from time to time shall be paid by said city out of the funds to be raised as hereinafter set forth.

Supervisor.

Payments.

Bond issue.

3. To provide the money which may be required for the construction of such plant the common council or other board having charge of the finances of such city shall cause the bonds of such city to be issued, sold and disposed of, and the proceeds of the sale thereof shall be placed in a special fund used for the purposes authorized by this act, and for no other purpose or purposes, except that any unexpended balance thereof remaining after the construction of said plant shall be turned over to the commissioner or commissioners of the sinking fund of said city for the retirement of the bonds hereby authorized; said bonds to be so issued shall be made payable in not less than twenty nor more than forty years from the date thereof; shall bear interest at a rate not greater than five per centum per annum, and be either registered or coupon bonds or registered and coupon bonds combined, at the option of said common council or other board having charge of the finances of said city, and may be of such denomination and payable at such place with interest payable monthly as said common council or other board having charge of the finances of said city may by resolution direct, and such bonds may be negotiated and sold at not less than par value.

Use of proceeds.

Time.

Rate.

Total issue.

4. The bonds to be issued by such city under the provisions of this act shall not exceed in the aggregate one per centum of the taxable value of the real and personal property rated for assessment in such city as shown by the last preceding duplicate of assessment; the said city shall pay the interest on said bonds, and also provide a sinking fund for their retirement at maturity by paying into the sinking fund of said city annually not less than one and one-half per centum of the total amount of bonds issued, until such time as the amount so paid shall be sufficient to pay the principal of said bonds when they shall fall due.

Sinking fund.

Balance from operating water system applied to debt.

5. So much of the revenues arising from the sale of water and the operation of the water works in said city remaining after the payment of all of the expenses of the operation, management, maintenance, improve-

ment and repairs of said water works as shall be necessary for the purpose shall be applied by said city to the payment of said interest and said annual payments into said sinking fund, and if at any time the amount of said net revenue shall be insufficient for said purposes the deficiency arising may be met by temporary loan and raised by taxation at the next annual tax levy as other taxes are raised.

Authority here given is additional.

6. Nothing herein shall be construed as affecting or repealing any existing statute authorizing the incurring of indebtedness or the issuing of bonds by cities, and this act shall be construed as additional legislation providing for the construction of filtration plants and the payment of the costs thereof.

Referendum.

7. This act shall not take effect in any city, however, until the same shall have been adopted by vote of the legal voters of such city. The adoption of this act shall be submitted to vote in any city at any election for members of the General Assembly hereafter to be held, when a petition therefor, signed by at least five per centum of the qualified electors of such city, as evidenced by the total number of votes cast at the then next preceding election for members of the General Assembly in such city, shall have been filed with the clerk of said city, of which submission the same notice shall be given as is required to be given of said general election, and the legal voters of said city may, at such election, decide upon the acceptance or rejection of this act in the following manner; there shall be printed on each official ballot containing the names of candidates for members of the General Assembly next under the party heading the proposition, "For the law relating to the construction of purification and filtration plants in connection with the public water-supply," and immediately thereunder the proposition, "Against the law relating to the construction of purification and filtration plants in connection with the public water-supply," and the voter may vote to adopt this act by obliterating the second proposition, or may vote to reject this act by obliterating the first proposition; and said ballots so

Petition for submission.

Notice of election.

Ballots.

Canvass.

cast for or against this act shall be counted, and the result of such election had in the same manner and at the same time as in case of ballots for candidates voted for at such election, and the acceptance or rejection of this act so determined shall be declared in the same manner as the general result of said election for county officers, and if there should be a majority of votes so cast in favor of the adoption of this act, but not otherwise, this act shall take effect in such city immediately. Effective.

8. This act shall take effect immediately as regards the submission thereof to popular vote as aforesaid. When act ineffective.

Approved April 21, 1909.

CHAPTER 250.

An act concerning tuberculosis.

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

1. Tuberculosis is hereby declared to be an infectious and communicable disease, dangerous to the public health. Tuberculosis a dangerous disease. It shall be the duty of every physician in the State of New Jersey to report in writing, on a form to be furnished as herinafter provided, the name, age, sex, color, occupation, place where last employed, if known, and address of every person known by said physician to have tuberculosis, to the health officer of the city, borough, town, or other municipality in this State in which said person resides, within twelve hours after such fact comes to the knowledge of said physician. Physicians to report cases. It shall also be the duty of the chief officer having charge for the time being of any hospital, dispensary, asylum, prison, or other private or public institution in said State of New Jersey to report in like manner the name, age, sex, color, occupation, place where last employed, if known, and previous address of every Chief officials to report.

patient having tuberculosis who comes into his care or under his observation, within twelve hours thereafter.

Sputum examined.

2. It shall be the duty of every health officer of the city, borough, town, or other municipality in this State, when so requested by any physician, or by authorities of any hospital or dispensary, to make or cause to be made a microscopical examination of the sputum forwarded to him as that of a person having symptoms of tuberculosis, which shall be forwarded to such officer accompanied by a blank giving name, age, sex, color, occupation, place where last employed, if known, and address of the person whose sputum it is. It shall be the duty of said health officer promptly to make a report of the results of such examination, free of charge, to the physician or person upon whose application the same is made.

Health officers to report cases.

3. It shall be the duty of every health officer of a city, borough, town, or other municipality in this State, to cause all reports made in accordance with the provisions of the first section of this act, and also all results of examinations, showing the presence of the bacilli of tuberculosis, made in accordance with the provisions of the second section of this act, to be recorded in a register, of which he shall be the custodian.

Register.

Such register shall not be open to inspection by any person other than the health authorities of the State and of the said city, borough, town, or other municipality in this State, and said health authorities shall not permit any such report or record to be divulged so as to disclose the identity of the person to whom it relates, except as may be necessary to carry into effect the provisions of this act.

Health authorities notified of vacated premises.

4. In case of the vacation of any apartment or premises by the death or removal therefrom of a person having tuberculosis, it shall be the duty of the attending physician, or if there be no such physician, or if such physician be absent, or the owner, lessee, occupant or other person having charge of the said apartments or premises, to notify the health officer of said city, borough, town, or other municipality in this State

of said death or removal within twenty-four hours thereafter, and such apartments or premises so vacated shall not again be occupied until duly disinfected, cleansed or renovated as hereinafter provided.

Premises disinfected.

5. When notified of the vacation of any apartments or premises as provided in section four hereof, the local health officer or one of his assistants or deputies, shall, within twenty-four hours thereafter visit said apartments or premises and shall order and direct that, except for purposes of cleansing or disinfection, no infected article shall be removed therefrom until properly and suitably cleansed or disinfected, and said health officer shall determine the manner in which such apartments or premises shall be disinfected, cleansed or renovated in order that they may be rendered safe and suitable for occupancy. If the health authorities determine that disinfection is sufficient to render them safe and suitable for occupancy, such apartments or premises, together with all infected articles therein, shall immediately be disinfected by the heatlh authorities at public expense, or, if the owner prefers, by the owner at his expense, to the satisfaction of the health authorities. Should the health authorities determine that such apartments or premises are in need of thorough cleansing and renovation, a notice in writing to this effect shall be served upon the owner or agent of said apartments or premises, and said owner or agent shall thereupon proceed to the cleansing or renovating of such apartments or premises in accordance with the instruction of the health authorities, and such cleansing and renovation shall be done at the expense of the said owner or agent.

Cleansing premises.

Failure to comply with orders.

6. In case the orders or directions of the local health officer requiring the disinfection, cleansing or renovation of any apartments or premises or any articles therein as hereinbefore provided, shall not be complied with within forty-eight hours after such orders or directions shall be given, the health officer may cause a placard in words and form substantially as follows to be placed upon the door of the infected apartments or premises:

Notice posted.

"Tuberculosis is a communicable disease. These apartments have been occupied by a consumptive and may be infected. They must not be occupied until the order of the health officer directing their disinfection or renovation has been complied with. This notice must not be removed under the penalty of the law except by the health officer or other duly authorized official."

Disposition of secretions, so as to be dangerous.

7. Any person having tuberculosis who shall dispose of his sputum, saliva or other bodily secretion or excretion so as to cause offense or danger to any person or persons occupying the same room or apartment, house, or part of a house, shall, on complaint of any person or persons subjected to such offense or danger, be deemed guilty of a nuisance and any persons subjected to such a nuisance may make complaint in person or writing to the health officer of any city, borough, town, or other municipality in this State where the nuisance complained of is committed. And it shall be the duty of the local health officer receiving such complaint to investigate, and if it appears that the nuisance complained of is such as to cause offense or danger to any person occupying the same room, apartment, house or part of a house, he shall serve a notice upon the person so complained of, reciting the alleged cause of offense or danger and requiring him to dispose of his sputum, saliva or other bodily secretion or excretion in such a manner as to remove all reasonable cause of offense or danger. Any person failing or refusing to comply with orders or regulations of the local health officer of any city, borough, town, or other municipality in this State requiring him to cease to commit such nuisance, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be fined not more than ten dollars.

Notified to cease.

Failure to comply.

Penalty.

Instructions to patients.

8. It shall be the duty of a physician attending a patient having tuberculosis to take all proper precautions, and to give proper instructions to provide for the safety of all individuals occupying the same house or apartment, and if no physician be attending such patient, this duty shall devolve upon the local health officer, and all duties imposed upon physicians by any sections

of this act shall be performed by the local health officer in all cases of tuberculosis not attended by a physician, or when the physician fails to perform the duties herein specified, and shall so report.

Printed matter furnished physician

9. It shall be the duty of the local health officer to transmit to a physician reporting a case of tuberculosis, as provided in section one of this act, a printed statement and report, in a form approved by the board of health of the State of New Jersey, naming such procedures and precautions as in the opinion of the said Board of Health of the State of New Jersey are necessary or desirable to be taken on the premises of a tuberculous patient. It shall be the duty of the local health authorities to print and keep on hand an ample supply of such statements and reports, and to furnish the same in sufficient numbers to all local physicians.

Physician's duty.

Upon receipt of such statement and report the physician shall either carry into effect all such procedures and precautions as are therein prescribed, and shall thereupon sign and date the same, and return it to the local health officer without delay, or if such attending physician be unwilling or unable to carry into effect the procedures and precautions specified, he shall so state upon this report and immediately return the same to the local health officer, and the duties therein prescribed shall thereupon devolve upon said local health officer, who shall receive the fee hereinafter provided as payment of the services of the physician, if he comply with the duties herein prescribed.

Examination of report.

Upon receipt of this statement and report, the local health officer shall carefully examine the same, and if satisfied that the attending physician has taken all necessary and desirable precautions to insure the safety of all persons living in the apartments or premises occupied by the person having tuberculosis, the said local health officer shall issue his certificate in favor of the attending physician for the sum of one dollar, who thereupon shall become entitled to be paid the said sum of one dollar out of a fund which shall be provided by said city, borough, town, or other municipality in this State.

Fees.

Issuing additional instructions under certain conditions.

If the precautions taken, or instructions given by the attending physicians are,

in the opinion of the local health officer, not such as will remove all reasonable danger, or probability of danger, to the persons occupying the said house or apartments or premises, the local health officer shall return to the attending physician the report, with a letter specifying the additional precautions or instructions which the health officer shall require him to take or give; and the said attending physician shall immediately take the additional precautions and give additional instructions specified, and shall record and return the same on the original report to the local health officer.

Requisition for supplies.

It shall further be the duty of the local health officer to transmit to the physician reporting any case of tuberculosis a printed requisition, in a form approved by the board of health of the State of New Jersey and printed by the local health authorities and issued in sufficient number to supply local physicians. Upon this requisition blank shall be named the materials kept on hand by the local health officer for the prevention of the spread of tuberculosis, and it shall be the duty of the local health officer to supply such materials as may be specified in such requisition. Any physician may return a duly signed requisition to the local health officer for such of the specified materials and in such amount as he may deem necessary to aid him in preventing the spread of the disease, and all local health officers shall honor, as far as possible, a requisition signed by the attending physician in such a case.

Circulars of information furnished.

It shall be the duty of every local health officer to transmit to every physician reporting any case of tuberculosis, or to the person reported as suffering from this disease, provided the latter has no attending physician, a circular of information approved by the Board of Health of the State of New Jersey, and which shall be provided in sufficient quantities by the local health authorities. This circular of information shall inform the consumptive of the best methods of treatment of his disease, and of the precautions necessary to avoid transmitting the disease to others.

Penalty for false statements.

10. Any physician or person practising as a physician who shall knowingly report as affected with tuberculosis any person who is not so affected, or who shall willfully make any false statement concerning the name, age, sex, color, occupation, place where last employed, if known, or address of any person reported as affected with tuberculosis, or who shall certify falsely as to any of the precautions taken to prevent the spread of infection, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be subject to a fine of not more than one hundred dollars.

Report of recovery.

11. Upon the recovery of any person having tuberculosis it shall be the duty of the attending physician to make a report of this fact to the local health officer, who shall record the same in the records of his office, and shall relieve said person from further liability to any requirements imposed by this act.

Penalty for violating law.

12. Any person violating any of the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished, except as herein otherwise provided, by a fine of not less than five dollars nor more than fifty dollars.

Disposition of sputum, etc.

13. Any person affected with tuberculosis shall not deposit his sputum, saliva or other infectious secretion in such a place as to cause offense or danger of contracting the disease to any person or persons.

Sputum flask; use of.

14. It shall be the duty of every person afflicted with tuberculosis of the lungs or larnyx to provide himself with a sputum flask or receptacle in which to deposit his sputum, saliva or other infectious secretion while traveling in any public conveyance or attending any public place, and the contents of said flask or receptacle shall be burned or otherwise thoroughly disinfected.

Abatement of offense when reported.

15. Upon the complaint of any responsible person of conditions tending to the spread of tuberculosis to the local board of health, it shall at once investigate the conditions complained of, and if found dangerous or detrimental to the public health, said board shall

make and enforce such orders as may be necessary to abate the offense or dangers caused thereby.

16. This act shall take effect immediately.

Approved April 21, 1909.

CHAPTER 251.

An Act to encourage the propagation of fish and to regulate the catching, taking and destruction of fish in the Delaware river below Trenton Falls, within the jurisdiction, respectively, of the Commonwealth of Pennsylvania and of the State of New Jersey, and providing penalties for violation of its provisions, and to repeal acts inconsistent therewith.

Preamble.

WHEREAS, By virtue of a joint resolution of the Commonwealth of Pennsylvania, approved the eight day of May, A. D. one thousand nine hundred and seven, entitled "A joint resolution providing for the creation of a commision to co-operate with the authorities of the State of New Jersey and New York in regard to the propagation, protection and catching of sturgeon, shad, bass, perch and other fish in the Delaware river; the adoption of concurrent laws relevant thereto by such States; and to co-operate with the authorities of the State of Maryland in regard to fish and fishing in the Susquehanna river, and the adoption of concurrent laws relevant therto by such States; and to inquire in relation to the pollution of the waters of said rivers, and recommend legislation regulating and controlling the same; and making an appropriation for those purposes," the following were appointed Commissioners on the part of the Commonwealth of Pennsylvania: from the Senate, Frederick A. Godcharles, Webster Grim and Algernon B. Roberts; from the House of Representatives,

Hiram J. Sedwick, Alfred Marvin and Joseph N. Hunter; by Governor Edwin S. Stuart, Henry F. Walton, and by the terms of the joint resolution, the Commissioner of Fisheries, W. E. Meehan and Frank B. McClain, Speaker of the House. And

WHEREAS, By a joint resolution passed by the Legislature of the State of New Jersey, approved March twenty-fifth, A. D. one thousand nine hundred and eight, entitled, "A joint resolution for the creation of a commission to co-operate with the authorities of the States of Pennsylvania and New York in regard to the propagation, protection and catching of fish in the Delaware river, and to inquire into any causes of pollution of the waters of said river, and to recommend legislation in regard to such propagation, protection and catching of fish in the Delaware river, and to obviate the pollution thereof," the following were appointed to represent the State of New Jersey: from the Senate, Edmund W. Wakelee and Joseph S. Frelinghuysen; from the Assembly, Austen Colgate, Oliver C. Holcombe, Henry D. Thompson; by the Governor, John Franklin Fort, Dr. Henry Van Dyke, and by the terms of the resolution, President of the Fish and Game Commission, B. C. Kuser; President of the Senate, Thomas J. Hillery, and Frank B. Jess, Speaker of the House of Assembly. And

WHEREAS, The Commissions of the said Commonwealth of Pennsylvania and the State of New Jersey have been duly organized as provided and required by law; and

WHEREAS, The Commissioners of the said Commonwealth of Pennyslvania and of the said State of New Jersey in joint meeting held for that purpose have agreed upon uniform laws to provide an act providing uniform laws to encourage the propagation of fish, and to regulate the catching, taking and destruction of fish in the Delaware river below Tren-

ton Falls within the concurrent jurisdiction of the Commonwealth of Pennsylvania and the State of New Jersey, and providing penalties for violation of its provisions; therefore

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

Waters affected.

1. The provisions of this act shall affect and apply only to the propagation, catching, taking and protection and destruction of fish in the waters of the Delaware river below Trenton Falls, lying between the Commonwealth of Pennsylvania and the State of New Jersey.

Common rights to fish.

2. The inhabitants of the Commonwealth of Pennsylvania and of the State of New Jersey shall have and enjoy a common right of fishery throughout, in and over the waters of said river between low water mark on each side of said river between said States below Trenton Falls except so far as either State may have heretofore granted valid and subsisting private right of fishery.

Game fish defined.

3. For the purposes of this act the following fish shall be designated as game fish, to wit: Black bass or small mouth bass; large mouth bass, otherwise called Oswego or yellow bass; strawberry or calico bass; rock bass, otherwise known as red eye or goggle eye; white bass; crappie; pike-perch, otherwise called wall-eyed pike or Susquehanna salmon; pike; pickerel; white perch; yellow perch; charr, commonly called brook or speckled trout, or any form of trout. The following shall be designated as bait fish, to wit: all species of minnows, killifishes and stone catfish. All other species or varieties of fish whatsoever shall be designated as food fish.

Bait fish.

Rod or hand line only allowed.

4. It shall be unlawful to catch or fish for any game fish in any part of the Delaware river below Trenton Falls, with any device or by any means or method whatsoever, excepting with rods and lines or hand lines, commonly called dipsey or throw lines, each having not more than three hooks, or with trolling lines

with spoon or artificial bait having not more than on burr of three single hooks attached. The number of rods and lines, or the number of trolling lines not to exceed two of one or the other device named, and said lines must be under the direct and immediate supervision of the person fishing therewith. Any person violating any provisions of this section shall on conviction thereof be subject to a fine of twenty dollars. Penalty.

5. It shall be unlawful to fish for bait fish in the Delaware river below Trenton Falls, except with the following devices, to wit: Rods and lines and hand lines with not more than three hooks attached; a minnow seine not more than one hundred feet in length; a dip net not more than five feet square; a minnow trap, the opening of which shall not be more than one and one quarter inches in diameter; a scoop net with a single handle and with a diameter of not more than two feet. Any person who uses any other device, method or means for catching bait fish, other than those specified in this section shall on conviction thereof be subject to a fine of twenty dollars. Taking bait fish. Penalty.

6. It shall be unlawful to fish for food fish in the Delaware river below Trenton Falls with any device, method or means, excepting by the following devices and under regulations and restrictions hereinafter described, to wit: A seine, a gill net, an eel pot, or fyke net, each without wings, a parallel net, or stake net at the edge of low water, and rods and lines, or hand lines, otherwise known as dipsey or throw lines, each having not more than three hooks. Any person who shall use or employ any method or device for catching food fish other than those named in this section, or shall use or employ any device named in this section contrary to the regulations or restrictions hereinafter mentioned shall be subject to a fine of twenty dollars. Taking food fish. Penalty.

7. It shall be unlawful for any person to catch and take or attempt to catch and take sturgeon from the Delaware river below Trenton Falls with any device excepting a seine or a gill net, the meshes or which shall not be less than thirteen inches stretched measure Size of meshes of nets.

while being fished, or to catch and take or attempt to catch and take any other food fish from said waters with a seine the meshes of which shall be less than two and one-half inches stretched measure while being fished, or any gill net of the meshes of which shall be less than five and one-quarter inches stretched measure while being fished. It shall also be unlawful for any person to catch and take or attempt to catch and take any food fish except sturgeon by means of a seine or gill net, between the tenth day of June in each and every year, and the first day of March next ensuing. Any person who shall violate any of the provisions of this section shall on conviction thereof be subject to a fine of one hundred dollars, together with a forfeiture of all nets, boats and appliances used.

Season for seine fishing.

Penalty.

Staked nets forbidden.

8. It shall be unlawful for any person to catch and take or attempt to catch and take fish of any kind from the Delaware river, below Trenton Falls, with a net of any character which is anchored or staked, or fastened down in any manner, permanently or otherwise, or to use any net so anchored or fastened down in any manner; nor shall any net of any kind or character, excepting a drifting gill net, an eel pot, or a fyke net, each without wings, or a parallel net for the capture of carp only, be used for the purpose of catching and taking fish in said waters within one half mile above or below the mouth of any river, creek or stream emptying into said Delaware river below Trenton Falls. Any person who shall violate any of the provisions of this section shall on conviction thereof be subject to a fine of twenty dollars, together with the forfeiture of boats, nets and other appliances used.

Nets allowed.

Penalty.

Prohibited hours for fishing.

9. It shall be unlawful for any person to catch and take or attempt to catch and take fish of any kind or description from the Delaware river, below Trenton Falls, by means of a net, or to use a net of any character in the waters aforesaid from Saturday at twelve o'clock noon until Monday at six A. M., next ensuing, in each week. Any person violating any of the provisions of this section shall on conviction thereof be

Penalty.

subject to a fine of one hundred dollars, together with a forfeiture of all nets, boats and other appliances used.

Catching food fish with line.

10. It shall be lawful to catch food fish with rods and lines and hand lines, and trolling lines as described in section four of this act, at any time of the year in the Delaware river below Trenton Falls, but it shall be unlawful to fish for and take game fish, excepting from the fifteenth day of June to the first day of December, inclusive, in each year. Any person violating any of the provisions of this section shall on conviction thereof be subject to a fine of ten dollars for each and every fish so taken.

Penalty.

Use of eel pots and fyke nets.

11. It shall be unlawful to use eel pots and fyke nets, each without wings, in the Delaware river below Trenton Falls, from June first to July first, in each year, both dates inclusive, but it shall be lawful to use eel pots and fyke nets, each without wings, from July first to May thirty-first, both dates inclusive, in each year, for the purpose of catching carp, catfish, eels and suckers only. All other species of fish which may be caught in said nets must be returned unharmed immediately to the waters from which taken; provided that the entrance of said eel pot or fyke net shall not be more than six inches in diameter and the outside diameter not more than thirty inches. Any person violating any of the provisions of this section shall on conviction thereof be subject to a fine of twenty dollars, together with a forfeiture of all nets, boats and other appliances used.

Proviso.

Penalty.

Parallel nets forbidden.

12. It shall be unlawful to use a parallel net, otherwise a net set approximately parallel with the shore, in the Delaware river below Trenton Falls, and at low water mark, between the first day of June and the thirty-first day of August, in each year, and it shall be lawful to use such parallel net from the first day of September to the thirty-first day of May, inclusive, next ensuing in each year, for the purpose of taking carp only, provided that the meshes of said net be not less than three and one-half inches stretched measure when being fished, and provided further, that no such net shall be set in such manner as to impede navigation.

All other fish than carp must be returned unharmed to the water beyond low water mark. Any person violating any of the provisions of this section shall on conviction thereof be subject to a fine of one hundred dollars, together with the forfeiture of all nets and other appliances used.

Penalty.

Size of fish allowed.

13. It shall be unlawful for any person to catch and take or attempt to catch and take from the Delaware river below Trenton Falls, in any manner whatsoever any striped bass, otherwise known as rock fish, weighing more than twenty pounds or measuring less than ten inches in length, or any sturgeon less than five feet in length, or any black bass, or any small mouth bass, large mouth bass, otherwise known as Oswego or yellow bass, less than nine inches in length, or any pike, or pickerel, or any pike-perch, otherwise known as wall-eyed pike or Susquehanna salmon, less than twelve inches in length, or any calico or strawberry bass, crappie, white bass, rock bass, otherwise known as red eye or goggle eye, or trout or charr, less than six inches in length. Any fish of a less length than those described, or any striped bass, commonly called rock fish, weighing more than twenty pounds, which may be caught must be returned immediately to the water. Provided that nothing in this section shall be so construed as to prevent the fishery authorities of the Commonwealth of Pennsylvania or of the State of New Jersey capturing fish of any size from said waters, or at any time of the year, or in any manner for propagating purposes and for stocking other waters in their respective States through their authorized representatives. Any person who shall violate any of the provisions of this section shall on conviction thereof be subject to a fine of ten dollars for each and every fish so caught and had in possession.

Fish returned to water.

Proviso.

Penalty.

Injuring nets.

14. It shall be unlawful for any person by boat, anchor, dredge, or otherwise, in the Delaware river below Trenton Falls to willfully and without reasonable cause interfere with, break, damage or destroy any drifting gill net or hauling seine or nets of any description

being lawfully used, and it shall be unlawful for any person to drift a gill net over the waters of a shore fishery while the hauling seine is being used. Any person violating any of the provisions of this section shall on conviction thereof be subject to a fine of twenty dollars. Penalty.

15. It shall be unlawful for any person to put or place in the Delaware river below Trenton Falls any explosive or poisonous substances whatsoever, or any drug or any poison bait for the purpose of catching, taking, killing or injuring the fish, or to allow any dye stuff, coal or gas tar, coal oil, saw dust, tan bark, cocculus indicus (otherwise known as fish berries), lime, vitriol, or any of the compounds thereof, refuse from gas houses, oil tanks or vessels, or any deleterious, destructive or poisonous substances of any kind or character to be turned into or allowed to run, flow, wash or be emptied into any of the waters aforesaid, unless it is shown that every practicable means has been used to prevent the pollution of waters in question by the escape of deleterious substances. In case of the pollution of waters by substances known to be injurious to fishes or to fish food, it shall not be necessary to prove that such substances have actually caused the death of any particular fish. Any person violating any of the provisions of this section shall on conviction thereof be subject to a fine of two hundred dollars. Use of explosive or poisonous matter prohibited. No pollution of waters. Penalty.

16. It shall be unlawful to purchase, sell or offer for sale, or have in possession any fresh dead game fish or food fish, except during the lawful period for catching the same and the space of six days after such period has expired. Any person violating any of the provisions of this section shall on conviction thereof be subject to a fine of ten dollars for each fish. Sale of fish. Penalty

17. The Commonwealth of Pennsylvania and the State of New Jersey shall have concurrent jurisdiction over all offences and violations of this act, committed or attempted to be committed, by any person or persons fishing in the Delaware river below Trenton Falls, within the jurisdiction respectively of the said Concurrent jurisdiction.

Procedure to enforce law.

State of New Jersey and the Commonwealth of Pennsylvania. The procedure in the State of New Jersey for punishing violations of this act, as well as for the confiscation of boats, nets and other appliances, shall be the same in all respects as provided for in an act of the Legislature of this State entitled "An act to provide a uniform procedure for the enforcement of all laws relating to fish, game and birds, and for the recovery of penalties for violations thereof," approved March twenty-ninth, one thousand eight hundred and seven, and the acts amendatory thereof and supplementary thereto.

Interfering with officials.

18. Any person or persons who shall by threat, menace or force, or in any manner attempt to deter or prevent any fish warden or other person authorized to make arrests for violation of the fish laws in either State, from enforcing or carrying into effect any provisions of this act, or who shall resist arrest or the seizure of boats or nets illegally used shall on conviction thereof be subject to a fine of one hundred dollars.

Penalty.

Sundry acts repealed.

19. The following acts are hereby repealed:

"An act to regulate the fisheries in the river Delaware and for other purpose," passed November twenty-sixth, one thousand eight hundred and eight.

"An act further supplementary to an act entitled 'An act to regulate the fisheries in the river Delaware and for other purposes,' passed the twenty-sixth day of November, one thousand eight hundred and eight," passed November twenty-eighth, one thousand eight hundred and twenty-two.

"An act further supplementary to an act entitled 'An act to regulate the fisheries in the river Delaware, and for other purposes,' passed the twenty-sixth day of November, one thousand eight hundred and eight," passed February fifteenth, one thousand eight hundred and thirty-three.

"A further supplement to an act entitled 'An act to regulate the fisheries in the river Delaware, and for other purposes,' passed November twenty-sixth, one

thousand eight hundred and eight," approved March twenty-second, one thousand eight hundred and forty-five.

"A further supplement to an act entitled 'An act to regulate the fisheries in the river Delaware and for other purposes,' passed November twenty-sixth, one thousand eight hundred and eight," approved March twelfth, one thousand eight hundred and fifty-two.

"A further supplement to an act entitled 'An act to regulate the fisheries in the river Delaware and for other purposes,' passed the twenty-sixth day of November, anno domini one thousand eight hundred and eight," approved February twenty-sixth, one thousand eight hundred and fifty-eight.

"A further supplement to an act entitled 'An act to regulate the fisheries in the river Delaware and for other purposes,' passed November twenty-sixth, one thousand eight hundred and eight," approved April fifteenth, one thousand eight hundred and seventy-one.

"A further supplement to an act entitled 'An act to regulate the fisheries in the river Delaware and for other purposes,' passed November twenty-sixth, one thousand eight hundred and eight," approved March twenty-seventh, one thousand eight hundred and eighty-four.

"An act for the protection of shad and game fish in the Delaware river," approved April seventh, one thousand eight hundred and ninety.

"An act to regulate the taking of suckers, catfish, carp and eels in the waters of the Delaware river above Trenton Falls by the use of fish baskets," approved April tenth, one thousand nine hundred and eight.

Validity of act.

20. This act shall take effect immediately, but no section, proviso or part of this act shall be considered as valid and operative until a similar act has been enacted by the commonwealth of Pennsylvania; *provided,* that when the said commonwealth of Pennsylvania has enacted a similar act the provisions of this act relating to the size of the meshes of nets shall not become oper-

Proviso.

Act effective. ative until June eleventh, one thousand nine hundred and nine.

Approved April 21, 1909.

CHAPTER 252.

An Act to defray the incidental expenses of the Legislature of New Jersey for the session one thousand nine hundred and nine.

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

Treasurer authorized to pay certain sums.

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 the sessions of the Senate and House of Assembly with prayer, during the session one thousand nine hundred and nine, ten dollars, $10 00

Item No. 2. To each officer of the Senate and House of Assembly of the session one thousand nine hundred and eight, who were present and rendered service in opening the session of one thousand, nine hundred and nine, ten dollars, $10 00

Item No. 3. To G. W. Homan, for services as assistant bill clerk to the Senate, for the session one thousand nine hundred and nine, five hundred dollars, $500 00

Item No. 4. To Harry M. Dease, for services as clerk to Committee on Appropriations, for the session one thousand nine hundred and nine, five hundred dollars, $500 00

Item No. 5. To Harry M. Dease, for traveling expenses as clerk to Committee on Appropriations, for the session one thousand nine hundred and nine, twenty-five dollars, $25 00

Item No. 6. To Elwood W. Moore, Jr., for services as stenographer to the Senate, for the session one thousand nine hundred and nine, five hundred dollars, $500 00

Item No. 7. To William L. Dill, for services as assistant stenographer to the Senate, for the session one thousand nine hundred and nine, five hundred dollars, $500 00

Item No. 8. To William L. Dill, for traveling expenses as assistant stenographer to the Senate, for the session one thousand nine hundred and nine, sixty-nine dollars, $69 00

Item No. 9. To William E. Bedle, for services as assistant secretary to the Senate, for the session one thousand nine hundred and nine, five hundred dollars, $500 00

Item No. 10. To William E. Bedle, for traveling expenses as assistant secretary to the Senate, for the session one thousand nine hundred and nine, fifty-one dollars and twenty cents, $51 20

Item No. 11. To Chas. S. Sminck, for services as clerk to Committee on Corporations of the Senate, for the session one thousand nine hundred and nine, three hundred and fifty dollars, $350 00

Item No. 12. To Chas. S. Sminck, for traveling expenses as clerk to Committee on Corporations of the Senate, for the session one thousand nine hundred and nine, thirty-one dollars and twenty cents, $31 20

Item No. 13. To Clarence E. Case, for services as clerk to Committee on Judiciary of the Senate, for the session one thousand nine hundred and nine, three hundred and fifty dollars, $350 00

Item No. 14. To Clarence E. Case, for traveling expenses as clerk to Committee on Judiciary of the Senate, for the session one thousand nine hundred and nine, twenty-nine dollars, $29 00

Item No. 15. To Leroy Vanderburg, for services as clerk to Committee on Railroads and Canals of the Senate, for the session one thousand nine hundred and nine, three hundred and fifty dollars, $350 00

Item No. 16. To Leroy Vanderburg, for traveling expenses as clerk to the Committee on Railroads and Canals of the Senate, for the session one thousand nine hundred and nine, sixty-five dollars, $65 00

Item No. 17. To Thomas N. McArthur, for services as file clerk to the Senate, for the session one thousand nine hundred and nine, three hundred and fifty dollars, $350 00

Item No. 18. To Thomas N. McArthur, for traveling expenses as file clerk to the Senate, for the session one thousand nine hundred and nine, forty-two dollars, $42 00

Item No. 19. To Ernest A. Schmidt, for services as doorkeeper to the Senate, for the session one thousand nine hundred and nine, three hundred and fifty dollars, $350 00

Item No. 20. To Ernest A. Schmidt, for traveling expenses as doorkeeper to the Senate, for the session one thousand nine hundred and nine, thirty-one dollars, $31 00

Item No. 21. To Clifford Shangle, for services as page to the Senate, for the session one thousand nine hundred and nine, two hundred dollars, $200 00

Item No. 22. To Clifford Shangle, for traveling expenses as page to the Senate, for the session one thousand nine hundred and nine, seventeen dollars and twenty cents, $17 20

Item No. 23. To J. D. Watson, for services as cloak room keeper to the Senate, for the session one thousand nine hundred and nine, three hundred and fifty dollars, $350 00

Item No. 24. To J. D. Watson, for traveling expenses as cloak room keeper to the Senate, for the session one thousand nine hundred and nine, twenty-five dollars, $25 00

Item No. 25. To George W. Watson, for services as clerk to Committee on Public Health of the Senate, for the session one thousand nine hundred and nine, three hundred and fifty dollars, $350 00

Item No. 26. To Frank Wendt, for services as clerk to Committee on Banks and Insurance of the Senate, for the session one thousand nine hundred and nine, three hundred and fifty dollars, $350 00

Item No. 27. To Frank Wendt, for traveling expenses as clerk to Committee on Banks and Insurance of the Senate, for the session one thousand nine hundred and nine, eighty-two dollars, $82 00

Item No. 28. To Samuel G. Harris, for services as clerk to Committee on the Revision of Laws, of the Senate, for the session one thousand nine hundred and nine, three hundred and fifty dollars, $350 00

Item No. 29. To Samuel G. Harris, for traveling expenses as clerk to Committee on the Revision of Laws, of the Senate, for the session one thousand nine hundred and nine, eighty-two dollars, $82 00

Item No. 30. To Robert Sheppard, for services as clerk to Committee on Municipal Corporation, of the Senate, for the session one thousand nine hundred and nine, three hundred and fifty dollars, $350 00

Item No. 31. To Robert Sheppard, for traveling expenses as clerk to Committee

on Municipal Corporations, of the Senate, for the session one thousand nine hundred and nine, sixty dollars and twenty cents, $60 20

Item No. 32. To John A. Corio, for services as gallery keeper to the Senate, for the session one thousand nine hundred and nine, three hundred and fifty dollars, $350 00

Item No. 33. To John A. Corio, for traveling expenses as gallery keeper to the Senate, for the session, one thousand nine hundred and nine, sixty dollars, $60 00

Item No. 34. To Harry Zwenger, for services as clerk to President of the Senate, for the session one thousand nine hundred and nine, five hundred dollars, $500 00

Item No. 35. To Harry Zwenger, for traveling expenses as clerk to President of the Senate, for the session one thousand nine hundred and nine, sixty-nine dollars, $69 00

Item No. 36. To Tuttle Walker, for services as assistant secretary to President of the Senate, for the session one thousand nine hundred and nine, five hundred dollars, $500 00

Item No. 37. To Tuttle Walker, for traveling expenses as assistant secretary to President of the Senate, for the session one thousand nine hundred and nine, sixty dollars, $60 00

Item No. 38. To Frederick Petry, Jr., for services rendered Senate Committee on Incidentals, for the session one thousand nine hundred and nine, ten dollars, $10 00

Item No. 39. To Wilbur K. Sloan, for traveling expenses as clerk to Committee on Printed Bills of the Senate, for the session one thousand nine hundred and nine, thirty-nine dollars and eighty cents, $39 80

Item No. 40. To W. B. Munroe, for services as gallery keeper to the Senate, for

the session one thousand nine hundred and nine, three hundred and fifty dollars, $350 00

Item No. 41. To W. B. Munroe, for traveling expenses as gallery keeper to the Senate, for the session one thousand nine hundred and nine, seventy-six dollars, $76 00

Item No. 42. To Joseph S. Cahill, for services as file clerk to the Senate, for the session one thousand nine hundred and nine, three hundred and fifty dollars, $350 00

Item No. 43. To Joseph S. Cahill, for traveling expenses as file clerk to the Senate, for the session one thousand nine hundred and nine, forty-two dollars and eighty cents, $42 80

Item No. 44. To Daniel Cosgrove, for services as gallery keeper to the Senate, for the session one thousand nine hundred and nine, three hundred and fifty dollars, $350 00

Item No. 45. To Daniel Cosgrove, for traveling expenses as gallery keeper to the Senate, for the session one thousand nine hundred and nine, sixty-five dollars, $65 00

Item No. 46. To William F. Williams, for services as file clerk to the Senate, for the session one thousand nine hundred and nine, three hundred and fifty dollars, $350 00

Item No. 47. To William F. Williams, for traveling expenses as file clerk to the Senate, for the session one thousand nine hundred and nine, sixty-five dollars, $65 00

Item No. 48. To Major Henry, for traveling expenses as doorkeeper to the Senate, for the session one thousand nine hundred and nine, sixty dollars, $60 00

Item No. 49. To Edward J. Lyons, for traveling expenses as doorkeeper to the Senate, for the session one thousand nine hundred and nine, sixty-five dollars, $65 00

Item No. 50. To Frank L. Wallace, for traveling expenses as doorkeeper to the Senate, for the session one thousand nine hundred and nine, fifty-three dollars and eighty cents, $53 80

Item No. 51. To Gervas A. Hall for traveling expenses as doorkeeper to the Senate, for the session one thousand nine hundred and nine, fifty-five dollars, $55 00

Item No. 52. To William A. Kline, for traveling expenses as doorkeeper to the Senate, for the session one thousand nine hundred and nine, thirty-two dollars, $32 00

Item No. 53. To Stephen S. McDermott, for traveling expenses as page to the Senate, for the session one thousand nine hundred and nine, thirty-three dollars, $33 00

Item No. 54. To George W. Watson, for traveling expenses as clerk to Committee on Public Health, of the Senate, for the session one thousand nine hundred and nine, forty-five dollars, $45 00

Item No. 55. To Clarence Irwin, for traveling expenses as page to the Senate, for the session one thousand nine hundred and nine, fifteen dollars and eighty cents, $15 80

Item No. 56. To Harold Willets, for traveling expenses as page to the Senate, for the session one thousand nine hundred and nine, sixty dollars, $60 00

Item No. 57. To Goudaloupe A. Holl, for postage for the Senate, for the session one thousand nine hundred and nine, two hundred forty-seven dollars and fifty-eight cents, $247 58

Item No. 58. To Elizabeth Schlottenmeier, for services rendered members of Legislature as telephone operator, for the session one thousand nine hundred and nine, twenty-five dollars, $25 00

Item No. 59. To John Multop, for services rendered the Senate, for the session one thousand nine hundred and nine, one hundred dollars, $100 00

Item No. 60. To Harvey F. Rorbach, for services rendered members of the Legislature as postmaster, for the session one thousand nine hundred and nine, one hundred dollars, $100 00

Item No. 61. To Owen W. Kite, for services rendered Joint Committee on Appropriations, in preparation of the annual and supplemental appropriation bills, etc., for the session one thousand nine hundred and nine, three hundred dollars, $300 00

Item No. 62. To William M. Wright, for services rendered Senate Committee on Incidentals, for the session one thousand nine hundred and nine, seventy-five dollars, $75 00

Item No. 63. To L. N. Clayton, for stationery supplies furnished the Senate, for the session one thousand nine hundred and nine, fifty-five dollars, $55 00

Item No. 64. To the State Gazette Publishing Company, for stationery supplies furnished the Senate, for the session one thousand nine hundred and nine, one thousand one hundred seven dollars and thirty-three cents, $1,107 33

Item No. 65. To Wilbur R. Downs, for stationery supplies furnished the Senate, for the session one thousand nine hundred and nine twenty-one dollars, $21 00

Item No. 66. To MacCrellish & Quigley, for stationery supplies furnished the Senate, for the session one thousand nine hundred and nine, one hundred and forty-five dollars, $145 00

Item No. 67. To L. H. Johnson, for services rendered the Legislature, making decorations for Lincoln celebration, etc.,

for the session one thousand nine hundred and nine, nineteen dollars, $19 00

Item No. 68. To the Western Union Telegraph Company, for telegraph service rendered the Senate on occasion of Senator Harrisons death, for the session one thousand nine hundred and nine, sixty-five cents, $0 65

Item No. 69. To Remington Typewriter Co., for adjusting typewriter for the Senate, for the session one thousand nine hundred and nine, seventy-five cents, $0 75

Item No. 70. To Legislative News Bureau, for services rendered the Senate in furnishing copies of bills introduced and passed, for the session one thousand nine hundred and nine, eighty-four dollars, $84 00

Item No. 71. To Thomas H. Cummings, for services as assistant to supervisor of bills of the House of Assembly, for the session one thousand nine hundred and nine, five hundred dollars, $500 00

Item No. 72. To Thomas H. Cummings, for traveling expenses as assistant to supervisor of bills of the House of Assembly, for the session one thousand nine hundred and nine, sixty-five dollars, $65 00

Item No. 73. To Charles R. Fenton, for services as assistant to clerk of the House of Assembly, for the session one thousand nine hundred and nine, five hundred dollars, $500 00

Item No. 74. To Charles R. Fenton, for traveling expenses as assistant to clerk of the House of Assembly, for the session one thousand nine hundred and nine, seventeen dollars and eighty cents, $17 80

Item No. 75. To Louis J. Beyer, for services as assistant to journal clerk of the House of Assembly, for the session one

thousand nine hundred and nine, five hundred dollars, $500 00

Item No. 76. To William E. Blackman, for services as stenographer to the House of Assembly, for the session one thousand nine hundred and nine, five hundred dollars, $500 00

Item No. 77. To Adrain G. Chamberlain, for services as stenographer to the House of Assembly, for the session one thousand nine hundred and nine, five hundred dollars, $500 00

Item No. 78. To Adrain G. Chamberlain, for traveling expenses as stenographer to the House of Assembly, for the session one thousand nine hundred and nine, twenty-five dollars and sixty cents, $25 60

Item No. 79. To Furman Reeves, for services as clerk to Committee on Municipal Corporations of the House of Assembly, for the session one thousand nine hundred and nine, three hundred dollars, $300 00

Item No. 80. To Furman Reeves, for traveling expenses as clerk to Committee on Municipal Corporations of the House of Assembly, for the session one thousand nine hundred and nine, fifty-one dollars and forty cents, $51 40

Item No. 81. To Vance Pierson, for services as clerk to Committee on Banks and Insurance of the House of Assembly, for the session one thousand nine hundred and nine, three hundred dollars, $300 00

Item No. 82. To Vance Pierson, for traveling expenses as clerk to Committee on Banks and Insurance of the House of Assembly, for the session one thousand nine hundred and nine, sixty-nine dollars, $69 09

Item No. 83. To J. Augustus Campbell, for services as doorkeeper to the House of

Assembly, for the session one thousand nine hundred and nine, three hundred and fifty dollars, $350 00

Item No. 84. To J. Augustus Campbell, for traveling expenses as doorkeeper to the House of Assembly, for the session one thousand nine hundred and nine, thirty-five dollars, $35 00

Item No. 85. To George Stricker, for services as doorkeeper to the House of Assembly, for the session one thousand nine hundred and nine, three hundred and fifty dollars, $350 00

Item No. 86. To George Stricker, for traveling expenses as doorkeeper to the House of Assembly, for the session one thousand nine hundred and nine, five dollars, $5 00

Item No. 87. To Frank H. Ludlow, for services as doorkeeper to the House of Assembly, for the session one thousand nine hundred and nine, three hundred and fifty dollars, $350 00

Item No. 88. To Frank H. Ludlow, for traveling expenses as doorkeeper to the House of Assembly, for the session one thousand nine hundred and nine, eighty-two dollars, $82 00

Item No. 89. To Louis J. Beyer, for traveling expenses as assistant to Journal Clerk of the House of Assembly, for the session one thousand nine hundred and nine, forty-eight dollars, $48 00

Item No. 90. To Charles F. Moench, for services as doorkeeper to the House of Assembly, for the session one thousand nine hundred and nine, three hundred and fifty dollars, $350 00

Item No. 91. To Charles F. Moench, for traveling expenses as doorkeeper to the House of Assembly, for the session one

thousand nine hundred and nine, sixty-five dollars, $65 00

Item No. 92. To Major McDaniels, for services as doorkeeper to the House of Assembly, for the session one thousand nine hundred and nine, three hundred and fifty dollars, $350 00

Item No. 93. To Major McDaniels, for traveling expenses as doorkeeper to the House of Assembly, for the session one thousand nine hundred and nine, seventy-three dollars and eighty cents, $73 80

Item No. 94. To Louis M. Dickson, for services as page to the House of Assembly, for the session one thousand nine hundred and nine, two hundred dollars, $200 00

Item No. 95. To Louis M. Dickson, for traveling expenses as page to the House of Assembly, for the session one thousand nine hundred and nine, forty-eight dollars, $48 00

Item No. 96. To Joseph Linarducci for services as page to the House of Assembly, for the session one thousand nine hundred and nine, two hundred dollars, $200 00

Item No. 97. To Joseph Linarducci, for traveling expenses as page to the House of Assembly, for the session one thousand nine hundred and nine, forty-eight dollars, $48 00

Item No. 98. To Harry Waddams, for services as page to the House of Assembly, for the session one thousand nine hundred and nine, two hundred dollars, $200 00

Item No. 99. To Harry Waddams, for traveling expenses as page to the House of Assembly, for the session one thousand nine hundred and nine, fifty dollars, $50 00

Item No. 100. To David Lewis, for services as page and postmaster to the House of Assembly, for the session one thousand

nine hundred and nine, three hundred dollars, $300 00

Item No. 101. To Benjamin L. Crue, for services as page to the House of Assembly, for the session one thousand nine hundred and nine, two hundred dollars, $200 00

Item No. 102. To Benjamin L. Crue, for traveling expenses as page and postmaster to the House of Assembly, for the session one thousand nine hundred and nine, thirty-seven dollars and forty cents, $37 40

Item No. 103. To Alonzo Burke, for services as page to the House of Assembly, for the session one thousand nine hundred and nine, two hundred dollars, $200 00

Item No. 104. To Alonzo Burke, for traveling expenses as page and postmaster to the House of Assembly, for the session one thousand nine hundred and nine, fifty-five dollars, $55 00

Item No. 105. To Hugh C. Lendrim, for services as clerk to Committee on Incidentals of the House of Assembly, for the session one thousand nine hundred and nine, one hundred and fifty dollars, $150 00

Item No. 106. To Hugh C. Lendrim, for traveling expenses as clerk to Committee on Incidentals of the House of Assembly, for the session one thousand nine hundred and nine, six dollars and sixty cents, $6 60

Item No. 107. To Floran Mason, for services as clerk to Committee on Highways of the House of Assembly, for the session one thousand nine hundred and nine, one hundred and fifty dollars, $150 00

Item No. 108. To Floran Mason, for traveling expenses as clerk to Committee on Highways of the House of Assembly, for the session one thousand nine hundred

and nine, sixteen dollars and twenty-five cents, $16 25

Item No. 109. To Frederick W. Smith, for additional clerical service rendered Committee on Municipal Corporations of the House of Assembly, for the session one thousand nine hundred and nine, one hundred dollars, $100 00

Item No. 110. To Frederick W. Smith, for traveling expense in connection with additional services rendered Committee on Municipal Corporations of the House of Assembly, for the session one thousand nine hundred and nine, thirty-five dollars and sixty-four cents, $35 64

Item No. 111. To William R. Swan, for postage for the House of Assembly, for the session one thousand nine hundred and nine, two hundred thirty-three dollars and sixty-three cents, $233 63

Item No. 112. To Frederick Petry, Jr., for services rendered Committee on Incidentals of the House of Assembly, for the session one thousand nine hundred and nine, ten dollars, $10 00

Item No. 113. To Thomas Cole, for traveling expenses as doorkeeper to the House of Assembly, for the session one thousand nine hundred and nine, sixty dollars, $60 00

Item No. 114. To John B. Walker, for traveling expenses as doorkeeper to the House of Assembly, for the session one thousand nine hundred and nine, thirty-three dollars and eighty cents, $33 80

Item No. 115. To John Cox, for traveling expenses as doorkeeper to the House of Assembly, for the session one thousand nine hundred and nine, twenty-seven dollars, $27 00

Item No. 116. To Paul Weckmueller, for traveling expenses as doorkeeper to the House of Assembly, for the session one thousand nine hundred and nine, forty-eight dollars, $48 00

Item No. 117. To Charles P. Schmidt, for traveling expenses as doorkeeper to the House of Assembly, for the session one thousand nine hundred and nine, forty-eight dollars, $48 00

Item No. 118. To William J. Doll, Sr., for traveling expenses as doorkeeper to the House of Assembly, for the session one thousand nine hundred and nine, fifty-five dollars, $55 00

Item No. 119. To Henry Rosenfelt, for traveling expenses as doorkeeper to the House of Assembly, for the session one thousand nine hundred and nine, sixty-nine dollars, $69 00

Item No. 120. To James H. Hearneu, for traveling expenses as doorkeeper to the House of Assembly, for the session one thousand nine hundred and nine, twenty-six dollars, $26 00

Item No. 121. To Edward Wardell, for traveling expenses as doorkeeper to the House of Assembly, for the session one thousand nine hundred and nine, fifty-four dollars, $54 00

Item No. 122. To Joseph H. Brown, for traveling expenses as doorkeeper to the House of Assembly, for the session one thousand nine hundred and nine, seventy dollars and forty cents, $70 40

Item No. 123. To William A. Kinney, for traveling expenses as doorkeeper to the House of Assembly, for the session one thousand nine hundred and nine, eighty-four dollars, $84 00

Item No. 124. To Charles W. Gale, for traveling expenses as page to the House of Assembly, for the session one thousand nine hundred and nine, sixty dollars, $60 00

Item No. 125. To William Kelland, for traveling expenses as page to the House of Assembly, for the session one thousand nine hundred and nine, sixty dollars, $60 00

Item No. 126. To John J. Oliver, for traveling expenses as page to the House of Assembly, for the session one thousand nine hundred and nine, seventy-six dollars, $76 00

Item No. 127. To Byron Jenkins, for traveling expenses as page to the House of Assembly, for the session one thousand nine hundred and nine, twenty-five dollars, $25 00

Item No. 128. To Albert J. Colkitt, for traveling expenses as page to the House of Assembly, for the session one thousand nine hundred and nine, twenty-seven dollars, $27 00

Item No. 129. To Philip Simon, for traveling expenses as page to the House of Assembly, for the session one thousand nine hundred and nine, sixty-nine dollars, $69 00

Item No. 130. To Robert W. Horn, for traveling expenses as page to the House of Assembly, for the session one thousand nine hundred and nine, forty dollars, $40 00

Item No. 131. To Thomas Riley, for traveling expenses as page to the House of Assembly, for the session one thousand nine hundred and nine, sixty-six dollars, $66 00

Item No. 132.. To Edward Simonson, for traveling expenses as page to the House of Assembly, for the session one thousand nine hundred and nine, thirty-three dollars, $33 00

Item No. 133. To George W. Scarlett, for traveling expenses as page to the House of Assembly, for the session one thousand nine hundred and nine, forty-eight dollars, $48 00

Item No. 134. To Raymond J. Newman, for services rendered Investigating Committee of the House of Assembly, for the session one thousand nine hundred and seven, in the matter of charges against John W. Hughes, justice of the peace, of Atlantic county, seventy-five dollars, $75 00

Item No. 135. To A. L. Clark, for engrossing blank oaths of Senators and Members of the House of Assembly, and officers of the one hundred and thirty-third Legislature, for the session one thousand nine hundred and nine, fifty dollars, $50 00

Item No. 136. To Legislative News Bureau, for copies of bills introduced and passed furnished the members of the House of Assembly, for the session one thousand nine hundred and nine, one hundred dollars, $100 00

Item No. 137. To Advocate Publishing Co., Rahway, for stationery furnished the House of Assembly, for the session one thousand nine hundred and nine, seven hundred and ninety-eight dollars and fifty-five cents, $798 55

Item No. 138. To Howard Eastwood, for services as extra stenographer and typewriter to Members of House of Assembly and clerk's office, for the session one thousand nine hundred and nine, two hundred dollars, $200 00

Item No. 139. To Remington Typewriter Co., for rental of typewriter furnished the House of Assembly, for the session one thousand nine hundred and nine, nine dollars, $9 00

Item No. 140. To A. L. Clark, for services in drawing two floor plans of the House of Assembly, for the session one thousand nine hundred and nine, six dollars, $6 00

Item No. 141. To Baker Printing Company, for stationery furnished the House of Assembly, for the session one thousand nine hundred and nine, four hundred sixty-six dollars and fifty cents, $466 50

Item No. 142. To MacCrellish & Quigley, for stationery furnished the House of Assembly, for the session one thousand nine hundred and nine, two hundred and sixty-seven dollars, $267 00

Item No. 143. To State Gazette Publishing Company, for stationery furnished the House of Assembly, for the session one thousand nine hundred and nine, two hundred ten dollars and three cents, $210 03

Item No. 144. To Charles A. Meyer, for cash paid for flowers sent family of Harry Moon, a deceased member of the House of Assembly, for the session one thousand nine hundred and nine, forty dollars, $40 00

Item No. 145. To A. Winkler, for services of band at Lincoln celebration, for the session one thousand nine hundred and nine, thirty-five dollars, $35 00

Item No. 146. To Martin C. Ribsam, for hire of palms for Assembly Chamber, for Lincoln celebration, for the session one thousand nine hundred and nine, eight dollars, $8 00

Item No. 147. To Howard Eastwood, for traveling expenses as clerk to Committee on Judiciary of the House of Assembly, for the session one thousand nine hundred and nine, thirteen dollars and eighty cents, $13 80

Item No 148. To Lloyd Thompson, for traveling expenses as clerk to Committee

on Revision of Laws of the House of Assembly, for the session one thousand nine hundred and nine, thirty-six dollars, $36 00

Item No. 149. To Alva B. Fretz, for traveling expenses as clerk to Committee on Municipal Corporations, of the House of Assembly, for the session one thousand nine hundred and nine, forty-five dollars and forty cents, $45 40

Item No. 150. To Harry A. Goodman, for traveling expenses as clerk to Committee on Railroads and Canals, of the House of Assembly, for the session one thousand nine hundred and nine, twenty-five dollars, $25 00

Item No. 151. To B. Frank Knowles, for traveling expenses as clerk to Committee on Printed Bills, of the House of Assembly, for the session one thousand nine hundred and nine, forty-eight dollars, $48 00

Item No. 152. To Lee and Company, for stationery supplies furnished the House of Assembly, for the session one thousand nine hundred and nine, one thousand six hundred forty-four dollars and eighty-four cents, $1,644 84

Item No. 153. To Elwood W. Moore, Jr., for services rendered and disbursements to the special Committee on Finance of the Legislature, for the session one thousand nine hundred and nine, two hundred dollars, $200 00

Item No. 154. To John J. Oliver, for extra services as postmaster to the House of Assembly, for the session one thousand nine hundred and nine, one hundred dollars, $100 00

Item No. 155. To Edward Simonson, for extra services as postmaster to the House of Assembly, for the session one thousand nine hundred and nine, one hundred dollars, $100 00

2. This act shall take effect immediately.
Approved April 21, 1909.

CHAPTER 253.

A Supplement to an act entitled "An act to secure the purity of the public supplies of potable waters in this State," approved March seventeenth, eighteen hundred and ninety-nine.

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

Sale of potable water.

1. No person or corporation now or hereafter engaged in the distribution or sale of water for potable purposes shall deliver to any consumer any water which, in the opinion of the Board of Health of the State of New Jersey, is polluted, contaminated or impure, or which is obtained from any source which, in the opinion of the Board of Health of the State of New Jersey, is or may become polluted, contaminated or impure, unless purification by filtration, or other means acceptable to the Board of Health of the State of New Jersey shall be accomplished before such water is distributed.

Dealers to show source.

2. Every person or corporation intending to furnish water for potable purposes shall submit to the Board of Health of the State of New Jersey a detailed report containing all information regarding the source from which supply is to be derived, and until such source has been approved by the Board of Health of the State of New Jersey it shall be unlawful for said person or corporation to distribute such water to any consumer or consumers for potable purposes.

Plans for purification plant approved by State board of health.

3. Every person or corporation desiring to install a purification plant for the purification of water intended for potable use shall submit detailed plans and

specifications for such purification plant to the Board of Health of the State of New Jersey, and such plant shall not be constructed or operated until the aforesaid plans and specifications shall have been approved by the Board of Health of the State of New Jersey.

Supervision of water plants.

4. The Board of Health of the State of New Jersey shall have the supervision of the operation of all water plants throughout the State with respect to the purity of the supply of potable water furnished by any such water plant, and every person or corporation furnishing water for potable use shall comply with any and all orders of the Board of Health of the State of New Jersey relating to the purity of such waters.

Samples of waters.

The Board of Health of the State of New Jersey shall cause to be collected by its inspectors, or other authorized agents, as often as they shall deem necessary, but not less than four times each year, a sample or samples of the water supplied by each person or corporation furnishing water for potable use.

Penalty for interfering.

Any person or corporation failing to allow the sample or samples for analysis to be collected as provided for in this section, or interfering with any member of the Board of Health of the State of New Jersey, or duly authorized agent or employe of said board, in the supervision of any water plant, shall be liable to a penalty of one hundred dollars, to be recovered in an action of debt by the Board of Health of the State of New Jersey.

Investigations of violations.

5. The Board of Health of the State of New Jersey shall have the power, and it shall be the duty of said board to investigate, any and all violations of any of the provisions of this act.

Injunction to prohibit violations.

6. It shall be lawful for the Board of Health of the State of New Jersey to file a bill in the Court of Chancery, in the name of the State on the relation of said board, for an injunction to prohibit any violation of any of the provisions of this act other than the violations enumerated in section four hereof, for which a penalty is provided, 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-Gen-

eral 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.

Definitions.

7. The word "person," as used in this act, shall be construed so as to mean any firm or copartnership, and the word "corporation" to include any municipal corporation.

Repealer.

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

Approved April 21, 1909.

CHAPTER 254.

An Act to amend an act entitled "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," approved March twenty-second, one thousand eight hundred and ninety-nine.

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

Section 3 amended.

Section three of the act entitled "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," approved March twenty-second, one thousand eight hundred and ninety-nine, is hereby amended to read as follows:

"Tunnel bonds" issued.

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 cor-

porate 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 or 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 thirty 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 that can be obtained 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.

Amount.

Rate.

Time.

2. This act shall take effect immediately.

Approved April 21, 1909.

CHAPTER 255.

An Act to amend an act entitled "An act respecting the fees of surrogates, registers of deeds and mortgages, county clerks and sheriffs, in certain counties of this State, and providing salaries for such officers," approved March thirtieth, one thousand nine hundred and six.

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

1. Section four of the act entitled "An act respecting the fees of surrogates, registers of deeds and mortgages, county clerks and sheriffs in certain counties of this State, and providing salaries for such officers," approved March thirtieth, one thousand nine hundred and six, is hereby amended so as to read as follows:

Section 4 amended.

Compensation of county officers.

4. The said surrogates, registers of deeds and mortgages (wherever such office now is, or may hereafter be created), county clerks and sheriffs shall receive in lieu of all other compensation annual salaries as follows: In counties having between one hundred and twenty-five thousand and two hundred thousand inhabitants, six thousand five hundred dollars; in counties having between one hundred thousand and one hundred twenty-five thousand inhabitants, five thousand five hundred dollars; in counties having between sixty-five thousand and one hundred thousand inhabitants, four thousand five hundred dollars; in counties having between fifty thousand and sixty-five thousand inhabitants, three thousand five hundred dollars; in counties having between twenty-five thousand and fifty thousand inhabitants, two thousand five hundred dollars; in counties having less than twenty-five thousand inhabitants, two thousand dollars; to be paid by the proper disbursing officer of their respective counties, in equal monthly payments. Such salaries shall be determined and paid upon the basis of population shown by the latest State or national census promulgated, without regard to the date of election or appointment of such surrogates, registers of deeds and mortgages, county clerks and sheriffs. Said surrogates, county clerks, registers of deeds and mortgages and sheriffs in any county of this State shall select and employ the necessary deputies and assistants for said offices respectively, who shall receive such compensation to be paid monthly by the proper disbursing officers of said counties, as shall be approved by the judge of the Court of Common Pleas of their respective counties on warrants approved by said judge.

Basis of estimate.

Assistants and their compensation.

2. This act shall take effect immediately.

Approved April 21, 1909.

CHAPTER 256.

A Further Supplement to an act entitled "An act to authorize cities to construct sewers and drains, and to provide for the payment of the cost thereof," approved March eighth, one thousand eight hundred and eighty-two.

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

Certain words defined.

1. The words "owners of property interested" in the first subdivision of the second section of the act to which this is a supplement, shall hereafter be held to include any and all owners of land in the vicinity in which a sewer or drain is petitioned for, whether or not the land of the petitioners fronts or abuts any street, avenue, highway or private land on which the construction of the sewer or drain is petitioned for; *provided,* that where the lands of the petitioners do not front or abut on any street, avenue, highway or private land on which the construction of the sewer or drain is petitioned for, in such cases the petition shall have annexed thereto a certificate of the board of public health of the city in which it is proposed to construct such sewer or drain, setting forth that a resolution has been adopted by said board of health, that it is the opinion of said board that the construction of said proposed sewer or drain is necessary to preserve the public health.

Proviso.

2. This act shall take effect immediately.

Approved April 21, 1909.

CHAPTER 257.

An Act to amend an act entitled "An act defining motor vehicles and providing for the registration of the same and the licensing of the drivers thereof; fixing rules regulating the use and speed of motor vehicles; fixing the amount of license and registration fees; prescribing and regulating process and the service thereof and proceedings for the violation of the provisions of the act and penalties for said violations," approved April twelfth, one thousand nine hundred and six.

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

1. Section four of the act of which this is an amendment shall be amended to read as follows: Section 4 amended.

4. (1) Every automobile shall carry, during the period from thirty minutes after sunset to thirty minutes before sunrise, and whenever fog renders it impossible to see a long distance, at least two lighted lamps, showing white lights, visible at least two hundred and fifty feet in the direction towards which said automobile is proceeding, and shall also exhibit one red light, visible in the reverse direction. Lamps.

(2) Every motor cycle shall carry, during the period from one hour after sunset to one hour before sunrise, and whenever fog renders it impossible to see a long distance, at least one lighted lamp, showing a white light visible at least two hundred feet in the direction toward which the motor cycle is proceeding. Lamp on motor cycle.

2. Section seven of the act of which this is an amendment shall be amended to read as follows: Section 7 amended.

7. Every motor vehicle must have devices to prevent excessive noise, annoying smoke and the escape of gas and steam, as well as the falling out of embers or residue from the fuel; and all exhaust pipes carrying exhaust gases from the engine shall be directed parallel to the ground or slightly upward. Mufflers. Exhaust pipes.

3. Section seventeen of the act of which this is an amendment shall be amended to read as follows: Section 17 amended.

Drivers must be licensed.

17. No person shall hereafter drive an automobile upon any public highway in this State unless licensed to do so in accordance with the provisions of this act.

Age.

No person under the age of sixteen years shall be licensed to drive automobiles, nor shall any person be licensed to drive automobiles until said person shall

Examination.

have passed a satisfactory examination as to his ability as an operator, which examination shall include a test of the knowledge on the part of said person of such portions of the mechanism of automobiles as is necessary in order to insure the safe operation of a vehicle of the kind or kinds indicated by the applicant.

Expiration of license.

Drivers' license certificates shall expire on the thirty-first of December of each year. Said licensee shall be entitled to drive any registered automobile of the horsepower or of a lesser horsepower than that for

Ratings.

which he is licensed, but not greater. There shall be two classes of drivers' licenses. Those authorizing the licensee to drive cars of less than thirty horsepower shall be of the first class, and those authorizing the licensee to drive cars of thirty and greater horse-

License fee for drivers.

power shall be of the second class. The annual license fee to be charged shall be two dollars for drivers of the first class, and four dollars for drivers of the second class. If an automobile has more than one rating of horsepower, all fees shall be reckoned at the high-

Proviso.

est rating; *provided, however,* that the Commissioner of Motor Vehicles shall, upon the application of any person who or corporation which shall have complied with the provisions of subdivision three of section

Special drivers' certificates.

sixteen of this act, issue to the said person or corporation a sufficient number of special drivers' certificates, which shall have endorsed thereon the registration number under the laws of the adjoining State in which the business of the said applicant shall be conducted of each of the automobiles of said applicant included in and covered by any license certificate issued pursuant to said subdivision three of section sixteen of this act, and which, when duly countersigned by a special agent appointed for that purpose by the said Commissioner of Motor Vehicles pursuant to the pro-

visions of section ten of this act, shall authorize and permit the person to whom the same is issued to operate any of the automobiles registered under the laws of such adjoining State, the registration numbers of which shall appear endorsed upon the said certificate, and no others within the State of New Jersey, for a period of not to exceed twenty-four hours at any one time. Said driver shall at all times when operating any of the said vehicles within the State of New Jersey have in his possession the said certificate, and shall, whenever requested so to do, exhibit the same to any motor vehicle inspector or police officer or constable within the said State of New Jersey; no other certificate of registration shall be required of the said driver, and the preceding provisions of this section shall not be applicable to him; *provided, however,* it shall be lawful for the Commissioner of Motor Vehicles, at his discretion, to issue to any person a written permit, under the hand and seal of said Commissioner, allowing the said person, for the purpose of fitting himself to become a motor vehicle driver, to operate a motor vehicle for a specified period of not more than three weeks, while in the company and under the supervision of a licensed motor vehicle driver; and such permit, under the hand and seal of the Commissioner of Motor Vehicles, shall be sufficient license for the said person to operate a motor vehicle in this State during the period specified, while in the company of and under the control of a licensed motor vehicle driver of this State; *and provided further,* that the said person, as well as such licensed motor vehicle driver, shall be held accountable for all violations of this act committed by the said person while in the presence of such licensed motor vehicle driver.

Good for one day.

Proviso.

Permit for learner.

Proviso.

4. Section twenty-three of the act of which this is an amendment shall be amended to read as follows:

Section 23 amended.

PROVISIONS CONCERNING SAFETY OF TRAFFIC.

23. The following rates of speed may be maintained, but shall not be exceeded, upon any public

Rates of speed.

street, public road or turnpike, public park or parkway, or public driveway, or public highway, in this State by anyone driving a motor vehicle.

On curves and crossings.

(1) A speed of one mile in seven minutes upon the sharp curves of a street or highway, or when turning a corner, and a speed of one mile in four minutes at the junction or intersection of a prominent cross-road where such a street, road or highway passes through the open country. The term "open country" meaning where houses are on an average more than one hundred feet apart.

"Open country."

In built-up sections.

(2) A speed of one mile in five minutes where such street or highway passes through the built-up portion of a city, town, township, borough or village where the houses are on an average less than one hundred feet apart.

Near horses.

(3) A speed of one mile in four minutes within two hundred feet of any horse or other beast of draught or burden upon the same street or highway;

Proviso.

provided, however, that such speed, not exceeding twenty-five miles per hour, shall be lawful in the open country as may be necessary in order to pass a vehicle traveling in the same direction, but the speed shall be diminished forthwith if necessary to comply with the provisions of this act.

Maximum speed.

(4) Elsewhere, and except as otherwise provided in subdivisions one, two and three of this section, a speed of twenty-five miles per hour;

Proviso.

provided, however, that nothing in this section contained shall permit any person to drive a motor vehicle at any speed greater than is reasonable, having regard to the traffic and use of highways, or so as to endanger the life or limb or to injure the property of any person; and

Proviso.

it is *further provided*, that nothing in this section contained shall affect the right of any person injured, either in his person or property, by the negligent operation of a motor vehicle to sue and recover damages as hertofore;

Proviso.

and *provided further,* that the foregoing provisions concerning the speed of motor vehicles shall not apply to any speedway built and maintained for the exclusive use of motor vehicles, if the

said speedway at no point crosses any public street, avenue, road, turnpike, driveway or other public thoroughfare, or any railroad or railway at grade, the said speedway having been constructed with the permission of the commissioners or the board of freeholders, as the case may be, of the county or counties in which said speedway shall be located; and *provided further,* that every person driving a motor vehicle shall, at the request or upon signal by putting up the hand or otherwise from a person riding or driving a horse or horses in the opposite direction, cause the motor vehicle to stop and remain stationary so long as may be necessary to allow said horse or horses to pass. Proviso.

5. Section thirty-four of the act of which this is an amendment, shall be amended to read as follows: Section 34 amended.

34. The fees provided in the following schedule and no other charges whatsoever, shall be allowed the magistrate and officers in proceedings under this act, and where no fee is provided for any necessary service to be performed, the same shall be performed without any charge therefor: Fees allowed magistrates and officers.

Justices.

Justices.

Complaint,	10 cents
Summons or warrant when necessary to be issued, but not in case of arrest without warrant based on complaint,	10 cents
Copies,	5 cents each
Subpœna,	10 cents
Administering oath to each witness,	10 cents
Each Adjournment,	15 cents
Entry of judgment,	20 cents
Recognizance or bond, drawing entry and approval of,	25 cents
Execution,	25 cents
Making return to certiorari,	50 cents
Granting appeal and necessary papers,	50 cents
Hearing contested case,	50 cents
Hearing non-contested case,	25 cents

Constable.

Constables.

Service of summons or warrant (except in case of arrest on view where no costs for service), ... 30 cents
Service of subpœna (except where subpœna to party present at time of arrest, where no costs), ... 30 cents
Service of execution, ... 75 cents
For every mile of travel in serving any summons or warrant, after the first mile, computed by counting the number of miles in and out, by the most direct route from the place where such process is returnable, ... 3 cents

Witnesses.

Witnesses.

For each witness, not exceeding three to each party, ... 25 cents

and which shall be paid by the defendant if the defendant be found guilty of the charge laid against him, but if, on appeal, said judgment be reversed, said costs shall be repaid to said defendant as hereinbefore provided. If the defendant be found not guilty of the charge or charges laid against him, then the costs must be paid by the prosecutor, except that when in such instances the Commissioner of Motor Vehicles or the Inspector of Motor Vehicles shall have been the prosecutor, then the costs laid upon the prosecutor shall be paid by the Commissioner of Motor Vehicles from the moneys remaining in his hands from the payment of registration fees, license fees, or otherwise. In case of the reversal of any judgment on appeal the costs of the magistrate and on appeal shall be borne and paid by the unsuccessful party.

As to payment of costs.

6. This act shall take effect immediately.

Approved April 21, 1909.

CHAPTER 258.

A Supplement to an act entitled "An act to provide for the regulation and incorporation of insurance companies and to regulate the transaction of insurance business in this State," approved April third, one thousand nine hundred and two.

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

1. In any policy of fire insurance hereafter issued in this State insuring property in more than one place, it shall be lawful to insert in or attach thereto an average or pro rata distribution clause, which clause shall read as follows: Pro rata clause inserted in policy.

Standard Average or Pro Rata Distribution Clause.

It is understood and agreed that the amount insured by this policy shall attach in each of the places named in the proportion that the value of the property covered by this policy, contained in each of said places, shall bear to the value of such property contained in all of said places.

2. This act shall take effect immediately.

Approved April 21, 1909.

CHAPTER 259.

An Act authorizing municipalities in this State to appropriate money to be expended in the celebration of the Hudson-Fulton Ter-Centennary.

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

1. The several municipalities of this State, by resolution of the governing body thereof, are hereby authorized to appropriate a sum of money to be used in Appropriation allowable.

the celebration of the Hudson-Fulton Ter-Centennary, that is to say, cities of the first class a sum not in excess of ten thousand dollars, cities of the second class a sum not in excess of five thousand dollars, and all other municipalities a sum not in excess of three thousand dollars.

How expended.

2. Such moneys shall be expended, when appropriated, in such manner as the governing body, by resolution, may direct.

3. This act shall take effect immediately.

Approved April 21, 1909.

CHAPTER 260.

An Act to amend an act entitled "An act to provide for the permanent improvement of public roads in this State" (Revision of 1905), approved March twenty-seventh, one thousand nine hundred and five.

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

Section 1 amended.

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

Improvement of roads by freeholders.

1. The board of chosen freeholders of any county in this State may, at any time, by resolution, direct that any public road or section of road located within said county, being at least thirty-three feet in width and at least one mile in length, or, being less than one mile in length, is an extension of or connection with some permanently improved or paved road or street,

Materials used.

be improved by the construction of a macadamized road, or a telford or other stone road, or a road constructed of gravel, oyster shells or other similar materials, with or without plastic binder, in such manner that the same, of whatever materials constructed, shall,

with reasonable repairs thereto, at all seasons of the year be firm, smooth and convenient for travel. When more roads are applied for than can be contructed in any one year, the board of chosen freeholders and State Commissioner of Public Roads shall have power and authority to select from the roads petitioned for the ones first to be constructed, having first regard to the most important roads and the distribution of the benefits of this act to all parts of their counties. The board of chosen freeholders may, before approval of any road, require as a condition of said approval that the township or townships or other municipality through which said road runs shall pay ten per centum of the cost of said improvement, said payment to be applied to the improvement of roads constructed under this act.

Selection of roads.

Township assistance.

2. This act shall take effect immediately.

Approved April 21, 1909.

CHAPTER 261.

A Supplement to an act entitled "An act in relation to legal holidays" (Revision of 1876), approved April third, one thousand eight hundred and seventy-six.

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

1. In addition to the legal holidays now created and provided for by law, the twelfth day of October in each year shall be held and kept as a legal holiday in accordance with the provisions of the act entitled "An act in relation to legal holidays," approved April third, one thousand eight hundred and seventy-six, and the acts amendatory thereof and supplementary thereto.

October 12th.

2. The said day shall be kept as a legal holiday in commemoration of the discovery of this continent, and shall be known as "Columbus day."

Columbus day.

3. This act shall take effect immediately.

Approved April 21, 1909.

CHAPTER 262.

A Further Supplement to an act, entitled "An act to authorize two or more municipalities in this State to jointly construct and maintain outlet or trunk sewers," 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*:

Supplemental contract to secure additional sewage accommodations.

1. Whenever the municipalities so jointly contracting as provided in the act to which this is a supplement, shall have entered into a contract with the authorities of any other municipality or municipalities in this State, granting the privilege of connecting the sewers of such other municipality or municipalities with such joint outlet or trunk sewer and under the terms of said contract, such other municipality or municipalities is entitled to discharge through said connection into such joint outlet or trunk sewer, sewage matter of a fixed quantity per diem, and such other municipality or municipalities shall deem it expedient to purchase an additional sewage capacity in such joint outlet or trunk sewer and to discharge therein an additional quantity of sewage, it shall be lawful for the municipalities so jointly contracting as aforesaid, by resolution of the joint meeting of the governing bodies or boards thereof, having power to construct sewers or drains therein, to authorize the execution of a further or supplemental contract with such other municipality or municipalities granting to such other municipality or municipalities the privilege to increase its sewage capacity in said joint outlet or trunk sewer, and to discharge therein an additional quantity of sewage matter upon such terms and for such consideration and for such length of time as may be mutually agreed upon between such joint meeting and such other municipality or municipalities, and it shall be lawful for the governing board or body of such other municipality or municipalities, having power to construct

Terms of mutual agreement.

sewers and drains therein, by ordinance to authorize the execution of such further or supplemental contract with the municipalities represented in such joint meeting, on behalf of such other municipality or municipalities.

Bond issue.

2. For the purpose of raising the money required for the purpose of carrying out any such contract and to meet the payment or payments that may be provided for in said contract, such other municipality or municipalities may issue bonds under the signature of the mayor and 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 such other municipality or municipalities or the governing body thereof may decide; the bonds may be either registered or coupon bonds, or both, and may be disposed of at public or private sale, under such terms and conditions as such other municipality or municipalities may determine at not less than par. All acts and proceedings to be had or taken under the provisions of this section by any such other municipality or municipalities may be by resolution, and shall not require the passage of any ordinance or any other or further proceeding than is herein provided for.

Time.

Rate.

Proceedings by resolution.

Sinking fund.

3. In order to redeem the bonds hereby authorized to be issued at their maturity, it shall be the duty of the governing body of such other municipality or municipalities to establish a sinking fund, which shall be created by a special tax to be raised in the annual tax levy.

Yearly interest raised by special tax.

4. 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, and the whole of each year's interest shall be raised, levied and collected each year.

5. This act shall take effect immediately.

Approved April 21, 1909.

CHAPTER 263.

A Supplement to an act, entitled "An act defining motor vehicles and providing for the registration of the same and the licensing of the drivers thereof; fixing rules regulating the use and speed of motor vehicles; fixing the amount of license and registration fees; prescribing and regulating process and the service thereof and proceedings for the violation of the provisions of the act and penalties for said violations," approved April twelfth, one thousand nine hundred and six.

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

Tourist's license.

1. Any non-resident of this State who shall have complied with the laws of the State or Territory of the United States in which he resides requiring the registration of owners of motor vehicles and the display of identification marks on such vehicles, desiring to operate such motor vehicles within the State of New Jersey, may obtain permission to do so for four periods of two days each in one calendar year, or one period of eight days in any one calendar year, upon application to the Commissioner of Motor Vehicles for such purpose, who is hereby authorized, in his discretion, to issue a license to such non-resident as hereinafter set forth. The applicant shall make application to the Commissioner of Motor Vehicles, or his duly constituted agent, as hereinafter provided, which application shall state the name and residence of the owner of such motor vehicle, the maker's name and number and the horsepower thereof, and the identification number issued by the State in which said non-resident shall be resident. Such application shall be accompanied by a license fee of one dollar. The Commissioner of Motor Vehicles shall thereupon, at his discretion, issue to such applicant a license, which shall be valid for any eight days, or for four periods of two days each, during the balance of the calendar year in which said license is issued. Said license shall be so

Good for eight days.

Application.

Fee.

Character of license.

prepared that it will endure in a legible condition under ordinary atmospheric or weather conditions for at least eight days and also so that the licensee may indicate plainly and conveniently each day he desires to use such license. It shall also contain the name of the State, the name and residence of the owner of such motor vehicle, the maker's name and number, the horse-power thereof, and the registered number of said vehicle in said State. The said licensee, when running said vehicle in this State shall affix said license to the said vehicle in as close proximity as possible to the identification mark of the state of residence (above and at the middle of such mark, unless conditions are such that it cannot be done without injury to the vehicle); but in no case so that it shall obscure any part of the said identification mark. The said licensee shall also plainly indicate, in such a way as shall be prescribed by a rule of the commissioner of motor vehicles, on the license, the day or days he intends to run his vehicle in this State, and shall also, on demand, allow any peace officer to examine said license.

What to contain.

How displayed.

Days used.

Each applicant under this act shall file with the Secretary of State a duly executed instrument constituting the Secretary of State and his successors in office the true and lawful attorney upon whom all original process in any action or legal proceeding caused by the operation of such registered motor vehicle within this State against such owner may be served, and shall agree further that any original process against such owner shall be of the same force and effect as if served upon such owner within this State.

Secretary of State constituted attorney for service of process.

2. The operation of such motor vehicle within this State shall be subject to all the provisions of the act to which this act is a supplement, and the various amendments thereof and supplements thereto which are not in conflict with the provisions of this act.

Subject to all laws.

3. The Commissioner of Motor Vehicles is authorized to establish such agencies in this or any other State or territory, for which permits may be obtained, as he may deem necessary. Only one such license shall be issued to the owner of any motor vehicle in

Agencies.

Only one license a year.

any one year, and such license, together with the facts contained therein, shall be recorded in the office of the Commissioner of Motor Vehicles.

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

Approved April 21, 1909.

CHAPTER 264.

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

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

Polluting matter not deposited so as to affect oyster beds. 1. No excremental or other polluting matter of any kind or character whatsoever shall be discharged or placed in the waters, or be placed or suffered to remain on the banks of any stream, the bed of which is or shall be used for the planting and cultivation of oysters or clams, if such excremental or other polluting matter so placed or discharged into such stream, or placed or suffered to remain on the banks of such stream, will tend to corrupt and impair the quality or wholesomeness of the oysters or clams growing on the bed of said stream; *provided, however,* that nothing in this section contained shall apply to the discharge of sewage or drainage into any such stream by municipalities of this State.

Proviso.

Penalty. 2. Any person or corporation violating any of the provisions of this act shall be liable to a penalty of one hundred dollars, to be recovered in an action of debt by the Board of Health of the State of New Jersey.

"Stream" defined. 3. The word "stream" as used in this act shall be taken to include and mean all bodies of water in this

State, or constituting a boundary between this and any other State, irrespective as to whether such waters be fresh or salt; *provided,* the bed of any such stream shall be used for the planting and cultivation of oysters or clams. Proviso.

4. This act shall take effect immediately.

Approved April 21, 1909.

CHAPTER 265.

An Act to amend an act entitled "An act to provide for the regulation and incorporation of insurance companies, and to regulate the transaction of insurance business in this State," approved April third, one thousand nine hundred and two.

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

1. Section eighty-four of the act to which this is an amendment is hereby amended to read as follows: Section 84 amended.

84. Any insurance company of another State or foreign country transacting the business of insuring against loss or damage on account of neglect, or breaches of duty, or obligations guaranteed by the insurer, and not engaging in the business of executing or guaranteeing bonds, undertakings, recognizances or other obligations, in actions or proceedings, legal, equitable or otherwise, or which are required by law, or by charter, ordinances, rules or regulations of any county, municipality, township, town, village, or borough commission for the performance of any written contract for work, or supplies, or for the enforcement of any penalty or forfeiture provided for in such contract, may be authorized to transact such business in this State under the same requirements and regulations as other insurance companies of other States and Deposit by insurance companies.

countries, but any such corporation desiring to engage in this State in the business of suretyship and indemnity as provided in sub-division seven of section one of this act, in the same manner and to the same extent as allowed to corporations created under this act, shall deposit with the Comptroller of this State the sum of fifty thousand dollars in good securities, worth at par and at market value at least that sum, and to be held for the benefit of the holders of the obligations of such company in this State, and in addition thereto shall have on deposit with the superintendent of insurance, or other State officer of the State where incorporated, if a company of another State of the United States, or if a company of a foreign country, with the proper State officers of some one of the United States, the sum of one hundred thousand dollars in good securities, worth at par and at market value at least that amount, held for the security of its obligations, and has a fully paid up, safely-invested and unimpaired capital of at least two hundred and fifty thousand dollars; *provided,* that a company which has on deposit with the superintendent of insurance, or other State officer of the State where such company is incorporated, the sum of two hundred thousand dollars invested as herein provided, and held as security for all holders of the obligations of such company, whether in the home State or elsewhere, shall not be required to make any deposit in this State. And that where any such company has such deposit of two hundred thousand dollars ($200,000), and shall have made such deposit of fifty thousand dollars ($50,000) with the Comptroller of this State, then such Comptroller shall forthwith return such deposit of fifty thousand dollars ($50,000) to such company.

Amount deposited with comptroller.

Additional deposit by foreign companies.

Proviso.

Return of deposit in certain cases.

2. This act to take effect immediately.

Approved April 21, 1909.

CHAPTER 266.

An Act concerning the appointment and term of office of surveyors and engineers 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 now or hereafter having a population of not less than one hundred and ten thousand nor more than two hundred thousand, and which now has or may hereafter have an officer known as city surveyor or city engineer and surveyor, said officer shall continue to be appointed as heretofore; *provided, however,* said appointment shall continue during the good behavior of said appointee. Appointment of city surveyor. Proviso.

2. All such officers now in office shall continue therein, and their term of office is hereby extended, during the good behavior of the present incumbents. Tenure.

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

4. This act shall take effect immediately.

Approved April 21, 1909.

CHAPTER 267.

An Act to amend an act entitled "A supplement to an act entitled 'An act to provide for the regulation and incorporation of insurance companies and to regulate the transaction of insurance business in this State, approved April third, one thousand nine hundred and two,' approved April fifteenth, one thousand nine hundred and seven."

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

Section 6 amended.

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

Exceptions to application of act.

6. This act shall not apply to annuities or to corporations or associations operating on the assessment or fraternal plan, and the first, second, sixth, eighth, ninth, eleventh, and twelfth provisions of section one of this act shall not apply to industrial policies; and in

In case of both insurance and annuities.

every case where a contract provides for both insurance and annuities, the provisions of this act as to contents of policies shall apply only to that part of the contract which provides for insurance, but every contract containing a provision for a deferred annuity upon the life of the insured only (unless paid for by a single premium) shall provide that in the event of the non-payment of any premium after three full year's premiums shall have been paid, the annuity shall automatically become converted into a paid-up annuity for such a proportion of the original annuity as the number of completed year's premiums paid, bears to the total number of premiums required under the contract.

2. This act shall take effect immediately.

Approved April 21, 1909.

CHAPTER 268.

An Act authorizing cities of this State to issue and sell water bonds, and providing for the application of the proceeds resulting from the sale thereof, and providing for the payment of the principal of, and interest on, said bonds.

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

Additional bond issue for water supply system.

1. The board or body having charge of the finances of any city of this State is hereby authorized and empowered to issue bonds of such city to an amount not exceeding thirty-five thousand dollars, in addition to the bonds now authorized by law, said bonds to be payable not more than thirty years from their date, to bear interest at a rate not exceeding four per centum per annum, payable semi-annually, to be designated "Water Bonds," and to be of such form and denomination, and executed by such officers, as said board or body shall determine; and said bonds may be sold from time to time at public sale after due advertisement, but for not less than par, under the direction of said board or body. Each of such bonds shall recite that it is issued pursuant to the authority of this act, which recital shall be conclusive evidence of the validity of such bond and the regularity of its issuance.

Time.

Rate.

Authority cited.

Use of proceeds.

2. The proceeds resulting from the sale of any such bonds shall be applied solely to the cost of laying, relaying and enlarging water mains or extending the water mains or water distributing system of such city, or of purchasing, constructing or otherwise acquiring a water supply plant or water distributing system, or both, or any part or portion of such plant or system.

Sinking fund.

3. It shall be the duty of the such board or body of any city issuing bonds under the authority of this act to establish a sinking fund for the payment of the principal thereof at maturity, and to provide for the levy and collection annually, until the maturity of the bonds, of a special tax of not less than three per

centum of the par value of the bonds so issued to be levied and collected with the other taxes of such city, and paid into such sinking fund; and said board or body shall also each year, until the maturity of said bonds, raise by special tax, to be levied and collected with the other taxes of the city, an amount sufficient to pay the interest on said bonds falling due in such year.

Interest raised by special tax.

4. This act shall take effect immediately.

Approved April 21, 1909.

CHAPTER 269.

An Act for the creation of sewerage districts in townships of this State, and to provide for the maintenance thereof, and the election of sewerage commissioners for such districts.

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

Sewerage districts designated.

1. The township committee of any township of this State may, at any time, set off and designate by number from the territory of such township a sewerage district or districts, and any such resolution which shall be entered at length upon their minutes shall define and declare the limits, boundaries and numbers of such sewerage district or districts, and the same, when so defined and declared, shall become and be taken to be sewerage districts, and shall be known and designated by and under the corporate name of "Sewerage District No. ..... of the township of ....., in the county of .....";

Corporate name.

and every such district, when so designated and declared, shall be a body corporate, and shall possess and have the power to sue and be sued, complain and defend in any court of law or equity in this State, make and use a common seal, and to have all other cor-

Powers.

porate powers necessary for the carrying out of the object hereinafter specified; *provided*, that the incorporation of any such sewerage district shall be taken to be complete only after the filing with the township clerk of the township in which it is located of the result of the election held as hereinafter provided, and showing that the majority of legal voters at such election have voted in favor of the construction of a sewer or sewers, or system of sewerage. Proviso.

2. It shall be the duty of the township committee, upon the adoption by it of a resolution defining and declaring a sewerage district or districts within its territory, in accordance with the provisions of this act, to appoint a time and place at which the legal voters of such district or districts so designated shall meet for the purposes hereinafter specified, and to cause the clerk of the township to give notice of such time and place by advertisement in a newspaper published or circulating in the township for at least two weeks prior to such time so advised, said advertisement to be inserted at least once each week, and by posting the same in five of the most public places within the district so designated at least ten days before the day of such meeting. Notice given to voters.

At said time and place the legal voters of the district shall determine by ballot, by the vote of the majority of those present and voting, whether or not there shall be constructed within such district a sewer or sewers, or system of sewerage, with the appurtenances, including a disposal plant within or without the limits of such district. Said voters, at the same time, shall vote for three of the residents, within the districts to serve as sewerage commissioners for such district, and the three residents receiving the highest number of votes shall be elected as such commissioners for such district; *provided, however,* in case the vote of the majority shall be against the construction of a sewer, sewers, or system of sewerage within said district, such commissioners shall be without power in the premises. Determine on sewer system. Sewerage commissioners. Proviso.

Result of election filed with township clerk.

It shall be the duty of the election officers conducting such election to make a certificate of the results of said election, and to certify the same under their hands, or the hands of the majority of them, and file the same with the clerk of the township within twenty-four hours after the closing of the polls at such election, which certificate shall forthwith be entered in full by said township clerk in the minute book of the township and file in his office.

Oath of commissioners.

3. In case the legal voters shall determine upon the construction of a sewer, or sewers, or system of sewerage, it shall be the duty of the sewerage commissioners, when elected, to take and file with the clerk of the township an oath faithfully and impartially to perform their duties as such commissioners, thereupon to organize by the election of one of their board as chairman, and by the appointment of a clerk, who need not be one of the commissioners. They shall then cause detailed maps, plans and specifications of such sewer, sewers, or system of sewerage, with the appurtenances, including a disposal plant, if deemed necessary, for such district, to be prepared, and shall appoint a time and place at which they will meet to consider the same, and shall give notice by advertisement set upon at least five of the most public places in said district of the time and place of such meeting, for the considering of such detailed maps, plans and specifications. It shall be the duty of said sewerage commissioners to submit a copy of the maps, plans and specifications for said sewers to the Board of Health of the State of New Jersey, and no sewer, drain or system of sewers, shall be constructed until such map, plans and specifications shall have first been approved by the Board of Health of the State of New Jersey.

Maps, plans, etc., prepared.

Maps, etc., must be approved by state board of health.

Detailed plans.

Upon the consideration of such detailed maps, plans and specifications, said commissioners, by a majority vote, may adopt said detailed maps, plans and specifications, or such modifications thereof as they may deem best, and may thereafter enter into a contract for

Contract.

the furnishing of the work and materials of said sewer, sewers, or system of sewerage, with the appurtenances, with such other agreements and covenants therein contained as shall be approved by them.

May construct outlet sewer or disposal plant.

In case the said sewerage commissioners shall deem it necessary for the efficient sewerage of such district, or any part thereof, to construct an outlet sewer or sewers to tide or other waters, or to an outlet or disposal works, either within or outside of such sewerage district, or to connect any such outlet sewer or sewers with the sewerage system of any sewerage district or municipality, it shall be lawful for them to do so under the provisions of this section.

Acquire land by purchase or condemnation.

In case it shall be necessary to take and occupy lands either within or without the bounds of such sewerage district, it shall be lawful for the commissioners thereof to take and appropriate and use for this purpose, so far as may be necessary, any land, or interest in land, within or without the limits of said district, and to acquire by purchase or condemnation any land, or interest in land, in such district, or any other municipality needed for that purpose. And the said commissioners shall have power to contract with any other sewerage district or municipality in the State for the right to use the sewerage system, or disposal works of such sewerage district or municipality on such terms and conditions and at such cost to such sewerage district as may be agreed upon, and to the making and performance of such agreement or contract the said sewerage district or municipal corporations are hereby fully empowered; *provided, however,* that no disposal works of any kind shall be located beyond the territorial limits of such sewerage district without the consent of the governing body of the municipality in which the same is located, evidenced by a resolution duly entered on the minutes of such governing body.

May contract with other districts.

Proviso.

Issue improvement certificates to meet cost.

4. In order to meet the cost of making the detailed maps, plans and specifications, the necessary engineering charges, the necessary legal expenses and the cost of the construction of any such sewer, sewers, or sys-

tem of sewerage, the sewerage commissioners of any such district shall have power, from time to time, to issue improvement certificates of the district to the amount of seventy per centum of the cost of such maps, plans and specifications, engineering charges, legal expenses and of the work done in the construction of such sewer, sewers, or system of sewerage when certified to by the engineer in charge of such work for such district, and when the contract is fully completed and the work accepted they may issue additional improvement certificates of the district to an amount, including all former certificates for said improvement, of ninety per centum of the cost of said maps, plans and specifications, engineering charges, legal expenses and of the work done, and in ninety days after the acceptance of the work they may issue a final certificate for the balance of such cost, unless errors or defects in the work shall have appeared, in which case such certificates shall be withheld until the errors or defects are rectified to the satisfaction of the sewerage commissioners; such certificates shall be issued by the sewerage commissioners, and shall bear interest at the rate to be fixed by the said sewerage commissioners, not exceeding six per centum per annum, shall be payable within three years from their respective dates, shall in no event exceed in amount the total cost of the improvement, including all lawful expenses or maps, plans and specifications, shall not be issued for less than par, and shall be redeemable at any time within the three years, at the pleasure of the commissioners.

Amount.

Total issue.

Rate.

Time.

Meeting to determine payment by whole district or taxation for benefits.

5. Within six months after the final completion of any sewer, sewers, or system of sewerage built under the provisions of this act the sewerage commissioners for such district shall appoint a time and place for a meeting of the legal voters of such district for the purpose of determining by a vote of the majority of those present and voting whether the cost of such improvement shall be paid by taxing the taxable ratables within said district therefor, or whether there shall be levied

upon the lands and real estate specially benefited by said improvement such part of the cost thereof as may represent the special benefits conferred upon such lands by such improvement.

Procedure if vote is to assess for benefits.

In case it shall be determined by such vote that an assessment shall be levied upon the lands specially benefited by such improvement, the sewerage commissioners shall forthwith make application by petition to the Circuit Court of the county in which said district shall be located for the appointment of three commissioners of assessment, who shall be resident freeholders of the county, but shall not be interested in any land within said sewerage district, or otherwise interested in said improvement. They shall, before entering upon their duties, take and subscribe before some officer by law empowered to administer oaths, an oath in which they shall swear that they are not interested in any land within the sewerage district, and not otherwise interested in said improvement, and that they are resident freeholders of the county, and that they will faithfully execute the duties of their office. They shall then ascertain the cost of said improvement, including all damages and awards for the taking of property, the cost of any outlet obtained by purchase, if any, and all lawful expenses, and shall then assess such part of said cost and expenses so ascertained as shall represent the special benefits conferred upon the land and real estate specially benefited by such improvement, and in proportion to the benefit thereby received, and no lot or parcel of land shall be assessed more than it is specially benefited, and the excess, or any of such cost and expenses, over and above the amount so assessed upon such land, shall be assessed upon the district at large wherein such improvement shall lie, which assessment shall be manifested by a report in writing, signed by the said commissioners, or any two of them, accompanied by a map showing the lands assessed and the amount assessed upon each lot or parcel of land, the name of the owner or owners of such lots of land, so far as they have become known to said assessment

Commissioners.

Oath.

Duties.

Assess benefits.

Report.

Excess of cost placed on district.

commissioners, and the excess of such cost and expense, if any, assessed upon the district at large, but no assessment shall be deemed defective by reason of any mistake in the names of any of said owners, or by reason of the omission of the names of any of such owners.

Call a meeting to hear objections.

6. The report and map of said assessment commissioners shall be filed with the clerk of such sewerage district, and thereafter said clerk shall, at the direction of the said sewerage commissioners, cause a notice to be posted for at least ten days in five of the most public places of the district, stating that the commissioners of assessment filed their map and report with the clerk of the district, and that the sewerage commissioners will meet at a time and place in said notice designated to consider any objections to said assessment report which may be presented in writing to the clerk of the district on or before the day named and fixed in said notice. After hearing any such objections, the sewerage commissioners may, by resolution, confirm such report and the assessments thereby levied or imposed, or they may return the same to the said commissioners of assessment with any such objections as may have been received for such amendment as may to the said assessment commissioners think reasonable and proper, and the sewerage commissioners may thereafter, without any further notice to any person, by resolution, confirm the report of assessment commissioners, whenever said report is again filed by said assessment commissioners with the clerk of the district. In the resolution confirming the report of the assessment commissioners, the sewerage commissioners shall provide whether assessments for benefits then payable under said report shall be paid in one payment or in equal annual installments not exceeding ten; all assessments shall draw interest from the time they become due and payable at the rate of six per centum per annum, and if made payable in installments there shall be due and payable with each installment thereon, and on the unpaid portion of such assessment,

Action on report.

Assessments, how payable.

Rate.

interest at the same rate; but any assessment on any lot or parcel of land, or any and all installments thereof, may be paid at any time before the same become legally overdue, with all arrearages and interest to the time of payment, and all assessments shall become due and payable upon the adoption of the resolution confirming the report of the commissioners imposing the assessments. Lump payment.

7. Immediately upon the confirmation by the sewerage commissioners of any report of assessment commissioners imposing assessments for benefits, such assessment shall contitute a first and paramount lien on the property assessed for the amount so assessed against it, with interest and any costs of collection, and shall so remain until the said assessment, together with interest and costs of collection, if any, shall be paid, notwithstanding any devise, descent, alienation, mortgage or other encumbrance thereof. Assessment a lien.

8. Within five days after the adoption of the resolution confirming the report of the assessment commissioners, it shall be the duty of the clerk of the sewerage district to deliver to the collector of taxes in the township within which said district is situated, a certified copy of said resolution and of the report of such commissioners, and thereupon it shall be the duty of the collector of said township to collect all assessments then payable according to the terms of such resolution and in the manner therein provided with all due speed. and to report such collections from time to time to the sewerage commissioners of such district, and to pay over the money so collected under the direction of the sewerage commissioners of said district to the custodian of the sinking fund appointed as heretofore provided. Duty of township collector.

9. Whenever any assessment for benefits under the provisions of this act, or any installment thereof, shall remain due and unpaid for the period of one year after the same shall have become due and payable under the resolution confirming the report and imposing such assessment, said assessment, or installment thereof, shall Collection of unpaid assessments.

be collected and enforced in the same manner and by the same officer as outstanding taxes are enforced and collected in townships, and the land upon which the same is a lien may be sold therefor in the same manner as is now provided in the case of taxes in townships.

Bond issue to pay off improvement certificates.

10. For the purpose of providing moneys for the payment of improvement certificates issued under the provisions of this act, said sewerage commissioners of any sewerage district shall have power to issue registered or coupon bonds, or coupon bonds with registry privileges, in the name of said sewerage district, which

Time.

bonds shall be made payable in not less than twenty years from their date, and not less than twenty years nor more than fifty years from their date in case the voters of said district shall determine, as hereinbefore

Provision for sinking fund.

provided, that no assessment for special benefits shall be levied in said district, in which case a sinking fund for the redemption of said bonds at maturity shall be raised by taxation within said district equal to at least three per centum of the total issue of such bonds; but

If assessment for benefits; bond issue; time.

in case the legal voters shall determine that an assessment for benefits shall be levied in said district, said bonds shall be made payable in not less than ten years and not more than twenty years from their date, and in this case there shall be raised by taxation within said district a sinking fund of one per centum per annum of the total issue of said bonds, and there shall be added to said sinking fund the amount of assessments collected from time to time upon the lands specially

Custodian of sinking fund.

benefited by the improvement; and the sewerage commissioners shall designate and appoint some trust company authorized to act as trustee or administrator of decedents' estates within the State of New Jersey as custodian of such sinking fund, and thereupon such trust company shall be empowered to receive and keep invested such sinking fund in such securities as are authorized by law for the investment of trust funds in the State of New Jersey, and shall be entitled to receive for its services the same fee and commissions as

are allowed for the administration of decedents' estates. The net annual income from the sinking fund above provided for shall be added to the principal of such fund, and whenever the principal of such fund shall be equal to the principal of the bonds outstanding no further sums shall be raised by taxation in said district on account of the sinking fund, and the net income from such fund shall thereafter be devoted to paying annual interest on the bonds until the maturity and payment thereof. The custodian is expressly authorized at any time to purchase the bonds of the district for which the sinking fund may be established, out of the principal of the fund and to forthwith cancel the same.

Funds to meet interest and cost of maintenance.

11. In order to provide the funds to pay interest charges upon bonds issued pursuant to the provisions of this act, and of the cost of maintenance of any sewer, sewers or system of sewerage built in accordance herewith, the said sewerage commissioners shall determine by resolution and certify to the township assessor before the first day of July in each year, the amount of money deemed by them necessary for said purposes, and thereupon it shall be the duty of the assessor of said township to assess upon the ratables, real and personal, in said district, in the same manner in which township taxes are assessed, the amount so certified, and it shall be the duty of the township collector to collect the same, and when collected, to pay the some over to the custodian of the sinking fund designated by the sewerage commissioners, and thereupon such custodian shall out of such funds provide, first, for the payment of the interest on the bonds as the same may become due, and the surplus, if any, shall pay over, upon the order of the sewerage commissioners, for the maintenance of said sewer, sewers or system of sewerage.

Payable to sinking fund.

Disposition.

Vacancy in commission.

12. In case of a vacancy in the office of the sewerage commission in any sewerage district, the same shall be filled by the vote of the legal voters in said district at a special election to be called by the sewerage

commissioners, of which at least ten days' notice shall be gvien by the clerk of the said district by posting the same in five of the most public places in the district.

Election by ballot; officers.

13. At any meeting of the legal voters of any sewerage district, the vote shall be by ballot, and the judge, clerk and inspectors of election shall be elected, viva voce by the voters, present at the opening of the polls at the time and place mentioned in the notice of such election.

Commission to serve without pay.

Clerk's term and salary.

14. The sewerage commissioners of every sewerage district established under the provisions of this act shall serve without compensation. The clerk of any such district may receive such compensation as the commissioners may by resolution determine, not exceeding the sum of three hundred dollars per annum; such clerk shall be appointed for terms of one year and until his successors shall be appointed. The sewerage commissioners are further authorized to secure such legal advice and services as they may require.

Counsel.

Time limit for certiorari.

15. No writ of certiorari to review any assessment made for benefits by reason of any improvement authorized by this act shall be allowed or granted unless application therefor shall be made within six months after the confirmation of the report imposing such assessment.

All property liable for obligations.

16. For the payment of the obligations, improvement certificates and bonds issued by the sewerage commissioners of any sewerage district created under the provisions of this act, all the property, real and personal, within the district, shall be liable.

Powers here given are additional.

17. Nothing in this act contained shall be construed as in any way repealing or modifying the provisions of any other act providing a method for the construction of sewers in townships, but the powers hereby granted shall be considered as powers granted in addition to any such powers.

18. This act shall take effect immediately.

Approved April 21, 1909.

CHAPTER 270.

An Act to license citizens of this State to hunt and pursue wild animals and fowl.

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

Gunner's license.

1. No citizen of this State shall at any time hunt, pursue or kill with a gun, or any firearm, any of the game birds, wild animals or fowl which are protected during any part of the year, or shall use any gun or firearm for hunting, except as herein provided, without first having procured a license so to do, and then only during the respective periods of the year when it shall be lawful, and, for the purpose of this act, the word citizen shall be construed to mean any person, male or female, who has resided, or shall reside bona fide in this State for the period of one year immediately preceding the application for license; *provided, however,* that the occupant of any farm in this State, and the immediate members of the family of said occupant, residing on said farm, shall have the right, without such license, to hunt, pursue or kill on said farm any wild animal or fowl protected by law in the manner provided by law at any time when it is lawful by law to kill any of the wild animals or fowls protected by law; *provided, however*, that the words "members of the family of said occupant," as used in this act, shall not be taken to include any employe or tenant of said occupant. Said license shall be procured from any county, city, borough, town, township or village clerk, and shall be furnished by the Board of Fish and Game Commissioners, through the clerk of each county, city, borough, town, township and village, which license shall state name, age, occupation and place of residence of applicant, and such other facts or description as may be required by the commissioners, and every applicant for a license shall prove to the satisfaction of the clerk issuing said license that he is a citizen of this State, and the applicant for said license

Proviso.

Proviso.

By whom issued.

License to state name, etc.

Fee.

shall pay to the clerk issuing said license the sum of one dollar as a license fee, together with the sum of fifteen cents as a fee for issuing such license, which said license shall bear the signature of the president of the Board of Fish and Game Commissioners, and the seal of the county, city, borough, town, township or village in which the same is issued, and be countersigned by the said clerk. The license fees above provided for shall be remitted by the city, borough, town, township or village clerks on the first Tuesday of each month to the county clerk of the county, and said fees, together with those received by the county clerk for issuing licenses from his office, shall be remitted to the State Treasurer, at the State Capitol, on the second Tuesday of each month, less five per centum of such fees to be deducted by the county clerk for his services under this act, with a schedule setting forth the name and residence of each licensee and the amount paid, and shall be placed to the credit of a fund to be known as the "Resident License Fund," to be kept separate and apart from other receipts of the board, and shall be disbursed by the State Treasurer on vouchers certified to by the Board of Fish and Game Commissioners. Any clerk who shall refuse or neglect to turn over any moneys collected for licenses as herein provided shall be guilty of a misdemeanor, and all records of said licenses shall be open to inspection by the public. Every license issued shall be signed by the licensee in ink, and shall entitle the person to whom issued to hunt, pursue and kill wild animals or fowl within the State at any time and place when and where it shall be lawful, under the laws of this State, to hunt, pursue and kill such game birds, wild animals or fowl, and no person to whom a license has been issued shall be entitled to hunt, pursue or kill game birds, wild animals or fowl in this State unless at the time of such hunting, pursuing or killing he or she shall have such license on his or her person, and shall exhibit the same for inspection to any warden, or other officer or other person requesting to see the same, and such license

Fees remitted to county clerk and by him to state treasurer.

Separate fund kept.

Penalty for clerk's neglect.

License to be carried and shown to officers.

Void.

shall be void after the thirty-first day of December next succeeding its issuance. Any citizen who shall at any time alter or change in any manner, or loan or transfer to another any license issued as aforesaid, or shall give false information or make a misrepresentation to the clerk filling out the blanks in said license shall be liable to a penalty of twenty dollars, and if any holder of a license shall be convicted of a violation of any of the game laws said license shall be revoked and no new license shall be issued during the year for which said license was granted. All moneys recovered in any proceeding for a penalty under this act shall be remitted by the magistrate before whom the same is recovered to the Board of Fish and Game Commissioners, one-half of which, after deducting all disbursements and expenses in relation to the same, shall be paid to the person filing the complaint in such action by the Board of Fish and Game Commissioners, unless such person is a regular game warden. The form of the license shall be determined and the license blank prepared by the Board of Fish and Game Commissioners, and furnished through the county clerks of the several counties of the State to the city, borough, town, township and village clerks. On or before the thirtieth day of January in each year the city, borough, town, township and village clerks shall detach the stubs of licenses issued and forward the same, together with a report of the number issued and the amount of license money received, to the county clerk of the county, whose duty it shall be to see that proper returns are made to him by all the city, borough, town, township and village clerks in his county, and to return to the Board of Fish and Game Commissioners all such stubs and reports, with a final report recapitulating and tabulating the total number of licenses issued in his county in the calendar year. The county clerk shall be allowed the actual cost of postage and expressage incurred in distributing licenses to city, borough, town, township and village clerks, to be paid him by

Penalty for transfer or false statements.

Fines remitted to fish and game commission.

Blanks.

Annual settlement.

County clerk's allowance.

the Board of Fish and Game Commissioners on verified bills rendered by said clerk.

Penalty; how recoverable.

2. Any person who shall violate any of the provisions of this act shall be liable to a penalty of twenty dollars for each offense, to be sued for and recovered in the same manner and by the person or persons authorized to sue for and recover penalties under the provisions of an act entitled "An act to provide a uniform procedure for the enforcement of all laws relating to fish, game and game birds, and for the recovery of penalties for violations thereof," approved March twenty-ninth, one thousand eight hundred and ninety-seven, and the acts supplementary thereto and amendatory thereof."

Approved April 21, 1909.

CHAPTER 271.

An Act concerning cemeteries.

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

Cemetery associations may enlarge grounds.

1. Any society or association, incorporated and resident in this State, heretofore and yet owning a cemetery or burying ground in this State, may enlarge its cemetery or burying ground by the purchase and addition thereto of another already located cemetery or burying ground adjoining (or separated only by a public highway), and in the same municipality, where there has not been any interment in or sale of any lot or grave in such other cemetery or burying ground, and by the addition thereto of its own vacant lands adjoining its said cemetery or burying ground, and in the same municipality, which vacant lands it has, prior to the passage of this act, acquired and absolutely owned in fee and held for cemetery or burial purposes,

upon filing a descriptive map of such additional lands in the offices of the clerk of the municipality, of its board of health and of the State Board of Health as maps of newly located cemeteries or burying grounds are by law required to be filed; *provided,* that the total area of said society or association's burial or cemetery lands, after any such enlargement, together with all other burial or cemetery lands in the municipality, shall not exceed the total limit of lands allowed by the law of this State for burying grounds or cemeteries in any one municipality in this State; *and provided further,* that any such enlargement hereby authorized shall not operate to vacate or otherwise affect such public highway. Proviso. Proviso.

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

Approved April 21, 1909.

CHAPTER 272.

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 and ten.

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 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 and ten, namely: Annual appropriations.

1.

EXECUTIVE DEPARTMENT.

Executive department.

For the Governor, for salary, ten thousand dollars;

For the secretary to the Governor, for salary, four thousand dollars;

For compensation for assistants in the executive department, four thousand dollars;

For blanks and stationery for the use of the executive department, eight hundred dollars;

For postage, expressage and other incidental expenses for the executive department, two thousand dollars.

2.

OFFICE OF THE COMPTROLLER.

Comptroller's office.

For the Comptroller, for salary, six thousand dollars;

For the Deputy Comptroller, for salary, three thousand six hundred dollars;

For compensation for clerical services and expenses, seven thousand one hundred dollars;

For blanks and stationery for use in the office of the Comptroller, nine hundred dollars;

For postage, expressage, and other incidental expenses for the Comptroller's office, fifteen hundred dollars.

3.

OFFICE OF THE TREASURER.

Treasurer's office.

For the Treasurer, for salary, six thousand dollars;

For compensation for clerical services in the office of the Treasurer, ten thousand five hundred dollars;

For blanks and stationery for use in the office of the Treasurer, six hundred and fifty dollars;

For postage, expressage and other incidental expenses for the office of the Treasurer, six hundred and fifty dollars.

4.

OFFICE OF THE SECRETARY OF STATE.

Secretary of state.

For the Secretary of State, for salary, six thousand dollars;

For the Assistant Secretary of State, for salary, three thousand dollars;

For compensation for clerical services in the office of the Secretary of State, eleven thousand three hundred and fifty dollars;

For postage, expressage and other incidental expenses for the office of Secretary of State, two thousand five hundred dollars;

For blanks and stationery for use in the office of the Secretary of State, five thousand three hundred dollars;

For the purpose of compiling indices of wills, deeds and other records, in the general vault of the office of the Secretary of State, two thousand four hundred dollars;

For services and expenses for the purpose of carrying out the provisions of "An act respecting the recording of certificates and other papers relating to and affecting corporations," approved March twenty-eighth, one thousand nine hundred and four, three thousand five hundred dollars;

For the care, inspection and other expenses connected with voting machines; one thousand five hundred dollars;

5.

ATTORNEY-GENERAL'S DEPARTMENT.

Attorney-General's office.

For the Attorney-General, for salary, seven thousand dollars;

For the Assistant Attorney-General, for salary, five thousand dollars;

For compensation and expenses of assistants employed by the Attorney-General, eleven thousand one hundred dollars;

For additional allowance for compensation and expenses of assistants employed by the Attorney-General, six hundred dollars;

For blanks and stationery for use in the office of the Attorney-General, six hundred dollars;

For postage, expressage and other incidental expenses for the Attorney-General's department, twelve hundred dollars.

For compensation of an additional stenographer to be employed by the Attorney-General during the session of Legislature, two hundred dollars;

For compensation and expenses of counsel employed by the Attorney-General in foreign States to collect taxes due from bankrupt and other insolvent corporations, one thousand dollars;

For compensation and expenses of counsel to assist in the argument before the Supreme Court of the United States in the taxation case of the Morris Canal and Banking Company *v.* David Baird et al., three thousand dollars, said sum to be paid upon the approval of the Governor;

For compensation and expenses of John R. Hardin, receiver appointed by the Court of Chancery to take charge of the property of John Wells Russell, which property was alleged and found by a jury to have escheated to the State, two hundred and eighty dollars.

6.

STATE BOARD OF ASSESSORS.

State assessors.

For the members of the State Board of Assessors, salaries, ten thousand dollars;

For secretary of the State Board of Assessors, for salary, two thousand five hundred dollars;

For compensation for clerical service in the office of the State Board of Assessors, eight thousand dollars;

For blanks and stationery for use in the office of the State Board of Assessors, nine hundred dollars.

For postage, expressage and other incidental expenses for the State Board of Assessors, nine hundred 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, six thousand six hundred dollars.

7.

DEPARTMENT OF BANKING AND INSURANCE.

Banking and insurance.

For the Commissioner of Banking and Insurance, for salary, six thousand dollars;

For the Deputy Commissioner of Banking and Insurance, for salary, two thousand five hundred dollars;

For compensation for assistants in the Department of Banking and Insurance, ten thousand dollars;

For blanks and stationery for use in the Department of Banking and Insurance, three thousand five hundred dollars;

For postage, expressage and other incidental expenses for the Department of Banking and Insurance, three thousand dollars;

For compensation of building and loan association examiners, fifteen thousand three hundred dollars;

For actual and necessary traveling and incidental personal expenses of building and loan association examiners, four thousand dollars;

For necessary appraisals of real estate and all other incidental expenses in connection with examinations of building and loan associations, five hundred dollars.

8.

BOARD OF EQUALIZATION OF TAXES.

Board of taxation.

For salaries for president and four members, nineteen thousand dollars;

For salary of clerk, two thousand five hundred dollars;

For salary of assistant clerk, one thousand two hundred dollars;

For additional clerical services, six hundred and sixty dollars;

For blanks and stationery for use of the board of equalization of taxes, four hundred dollars;

For postage, expressage and other incidental expenses for the board of equalization of taxes, six hundred and fifty dollars.

9.

STATE LIBRARY.

State library.

For the Librarian, for salary, three thousand dollars;

For compensation for assistants in the State Library, two thousand four hundred dollars;

For the repair, preservation and purchase of useful books for the State Library, three thousand five hundred dollars;

For blanks, stationery, postage, expressage and other incidental expenses for the State Library, five hundred dollars.

10.

STATE BOARD OF HEALTH.

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, three thousand three hundred and twenty-five dollars;

For compensation of assistants in the office of the State Board of Health, pursuant to said chapter, twelve thousand seven hundred and fifty dollars;

For compensation to the secretary of said Board, pursuant to said chapter, two thousand 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, two thousand dollars;

For blanks and stationery for use in the office of State Board of Health, one thousand four hundred dollars;

For maintenance of the bacteriological laboratory, six thousand six hundred and twenty 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, four hundred and fifty dollars;

For the purpose of carrying into effect the provisions of "An act to secure the purity of foods, beverages, confectionery, condiments, drugs and medicines, and to prevent deception in the distribution and sales thereof," passed at the legislative session of one thousand nine hundred and seven, and "An act to prevent deception in the sale of oleomargarine, butterine or any imitation of dairy products, and to preserve the public health," pursuant to chapter eighty-four of the laws of one thousand eight hundred and eighty-six, fifteen thousand dollars;

For the purpose of carrying into effect the provisions of chapter one hundred and thirty-nine, laws of one thousand nine hundred and six, eight thousand four hundred and fifty dollars;

For the purpose of carrying into effect the provisions of chapter seventy-two, laws of one thousand nine hundred, and the amendments and supplements thereto, twelve thousand dollars;

For salaries of members of the State Board of Health, pursuant to chapter two hundred and ninety-nine, laws of one thousand nine hundred and eight, seven thousand five hundred dollars;

11.

BUREAU OF STATISTICS.

Statistics.

For the chief of the Bureau of Statistics, for salary, two thousand five hundred dollars;

For the deputy chief of the Bureau of Statistics, for salary, two thousand dollars;

For the current expenses of the Bureau of Statistics, six thousand dollars;

For blanks and stationery for use in the office of the Bureau of Statistics, four hundred dollars.

12.

STATE HOUSE COMMISSION.

State House.

For the State House Commission, 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, sixty-five thousand dollars;

For insurance upon State House and contents thereof, three thousand five hundred dollars;

For the rental of a proper place of residence for the Governor of this State for occupancy in the city of Trenton, for such period of time as the Governor may desire to occupy the same, a sum not to exceed two thousand five hundred dollars.

13.

STATE MUSEUM.

Museum.

For Curator, for salary, one thousand five hundred dollars;

For the commission to acquire new material for the museum and for blanks, stationery and other incidental expenses, one thousand five hundred dollars.

14.

GEOLOGICAL SURVEY.

Geological survey.

For the State Geologist, for salary, four thousand dollars;

For services and expenses of the department of the geological survey, including the continuance of forestry investigations and expenses in connection with the publication of the reports and maps of the geological survey, twelve thousand five hundred dollars.

15.

SUPREME COURT.

Supreme court.

For the Chief Justice and Associate Justices of the Supreme Court, for salaries, eighty-two thousand dollars;

For the judges of the Circuit Court, for salaries, fifty-two thousand five hundred dollars;

For compensation of sergeant-at-arms and criers, one thousand three hundred dollars;

For the payment of expenses incurred by the order of the Supreme Court pursuant to chapter one hundred and forty-nine of the laws of one thousand nine hundred, two thousand dollars;

For blanks and stationery for use of the Chief Justice and Associate Justices of the Supreme Court, two hundred dollars.

16.

OFFICE OF THE 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, seventeen thousand one hundred dollars;

For blanks and stationery for use in the office of the Clerk of the Supreme Court, one thousand one hundred and fifty dollars;

For postage, expressage and other incidental expenses for the office of the Clerk of the Supreme Court, one thousand seven hundred dollars.

17.

COURT OF CHANCERY.

Chancery.

For the Chancellor, for salary, ten thousand dollars;

For the Vice Chancellors, for salaries, seventy thousand dollars;

For compensation of sergeants-at-arms, five thousand dollars;

For compensation of stenographers, and for services pursuant to section one hundred and three of chapter one hundred and fifty-eight, laws of one thousand nine hundred and two, fifteen thousand five hundred dollars;

For compensation and allowance of Advisory Masters, three thousand two hundred and fifty dollars;

For rent of rooms in Atlantic City, Jersey City, Newark and Morristown, for the use of the Chancellor, Vice Chancellors and Advisory Masters, six thousand seven hundred and eighty-eight dollars;

For miscellaneous expenses in connection with such rooms, one hundred and fifty dollars;

For compensation of stenographer for the Chancellor, one thousand five hundred dollars;

For allowance for stationery for the Court of Chancery, seven hundred and fifty dollars;

For compensation of special masters and others in examining the trust funds and appraising securities, to be disbursed under special order of the Chancellor, one thousand dollars.

18.

OFFICE OF CLERK IN CHANCERY.

Chancery office.

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, two thousand and seventy-five dollars.

19.

COURT OF ERRORS AND APPEALS.

Court of errors.

For compensation of judges of the Court of Errors and Appeals, nineteen thousand dollars;

For additional salary for the Chancellor, Chief Justice and Associate Justices of the Supreme Court, ten thousand dollars;

For compensation of officers of the Court of Errors and Appeals, one thousand two hundred and fifty dollars;

For furnishing printed or typewritten copies of draft opinions under the direction of the presiding judge, one thousand dollars.

20.

COURT OF PARDONS.

Court of pardons.

For compensation for judges of Court of Pardons, two thousand five hundred dollars;

For compensation of subordinate officers and incidental expenses, one thousand dollars.

21.

LAW AND EQUITY REPORTS.

Legal reports.

For the publication of the Chancery reports, seven thousand dollars;

For the publication of the law reports, four thousand dollars;

For salary of Chancery reporter, five hundred dollars;

For salary of Supreme Court reporter, five hundred dollars;

For binding Chancery and law reports, one thousand dollars.

22.

NATIONAL GUARD.

National guard.

For expenses for division, brigade and regimental headquarters, four thousand dollars;

For allowances for two batteries of artillery, two thousand dollars each, four thousand dollars;

For allowance for two troops of cavalry, at two thousand dollars each, including rent of armory, four thousand dollars;

For allowances for sixty companies of infantry, at five hundred dollars each, thirty thousand dollars;

For allowance for one signal and telegraph corps, one thousand five hundred dollars;

For transportation for battalion drills, inspections, parades, and for pay and expenses of inspecting officers, five thousand dollars;

For compensation of officers and employes, and expenses incurred in connection with rifle practice, nine thousand five hundred dollars;

For pay of officers and enlisted men, and expenses in connection with the annual encampment, sixty-two thousand dollars;

For compensation of the superintendent and employes, and for forage, fuel and maintenance of the State camp grounds, ten thousand dollars;

For fuel, light and maintenance of the State arsenal, one thousand five hundred dollars;

For expenses of military boards and courts-martial, one thousand five hundred dollars;

For transportation of disabled soldiers of the late rebellion and the Spanish-American war, fifty dollars;

For maintaining, heating and lighting armories at Jersey City, Camden, Newark (two), Paterson and Trenton, at four thousand five hundred dollars each, twenty-seven thousand dollars;

For insuring regimental armories, buildings at the State camp grounds at Sea Girt, the State arsenal and all public military stores, six thousand six hundred dollars;

For ordnance stores, uniforms, clothing, camp and garrison equipage, freight and expressage and miscellaneous supplies, eight thousand dollars;

For allowances for uniforms and equipments for officers of regiments, troops, batteries, companies, signal corps, and the naval reserve, as provided in section one hundred and twenty-seven of "An act concerning the militia of the State," approved May sixteenth, one thousand nine hundred and six, six thousand dollars;

For construction of plant necessary for disposal of sewage at the State camp grounds at Sea Girt, twelve thousand dollars;

For extraordinary repairs necessary for the preservation of the regimental armories, namely, first regiment, five thousand dollars; second regiment, one thousand seven hundred and fifty dollars; third regiment, two thousand dollars; fourth regiment, five thousand dollars;

For repairs to the Paterson Armory, pursuant to chapter one hundred and forty, laws of one thousand nine hundred and eight, twenty-five thousand dollars.

NAVAL RESERVE.

First battalion.

First battalion, in lieu of company allowances, one thousand five hundred dollars;

For battalion headquarters, three hundred dollars;

For pay of shipkeeper, maintenance and expenses, five thousand five hundred dollars;

For pay and expenses of officers and men on annual cruise, two thousand four hundred dollars;

Second battalion.

Second battalion, in lieu of company allowances, one thousand five hundred dollars;

For battalion headquarters, three hundred dollars;

For pay of shipkeeper, maintenance and expenses, five thousand five hundred dollars;

For pay and expenses of officers and men on annual cruise, one thousand eight hundred dollars.

23.

ADJUTANT-GENERAL'S DEPARTMENT.

Adjutant-General's office.

For the Adjutant General, for salary, two thousand five hundred dollars;

For compensation for clerical service in the Adjutant-General's office, six thousand eight hundred and twenty dollars;

For blanks and stationery for use in the Adjutant-General's office, one thousand two hundred dollars;

For postage, expressage and other incidental expenses for the Adjutant-General's office, eight hundred dollars;

For annual dues to Interstate National Guard Association, for the year one thousand nine hundred and nine, fifty dollars;

For printing, binding and distributing the annual report of the proceedings of the department of New Jersey, Grand Army of the Republic, three hundred dollars.

24.

QUARTERMASTER-GENERAL'S DEPARTMENT.

Quartermaster-General's department.

For the Quartermaster-General, for salary, two thousand five hundred dollars;

For compensation for assistants in the department of the Quartermaster-General, namely:

For chief clerk, for salary, two thousand five hundred dollars;

For clerks, for salaries, one thousand eight hundred and fifty dollars;

For military storekeeper, for salary, one thousand two hundred dollars;

For carpenter, machinist and to persons having in charge accoutrements, et cetera, cleaning arms, et cetera, teamster and laborer, for salaries, four thousand five hundred and seventy-nine dollars and twenty-five cents;

For blanks and stationery for use in the Quartermaster-General's department, five hundred dollars;

For postage, expressage and other incidental expenses for the Quartermaster-General's department, four hundred and fifty dollars.

25.

MONMOUTH BATTLE MONUMENT.

Freehold 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.

26.

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.

27.

PENSIONS.

Pensions.

For amount required to pay pensions, pursuant to various acts relative thereto, irrespective of any provision therein that pensions shall be made in the appropriation or tax levy for the department of the public service from which the pensioner shall be so retired, six thousand five hundred and forty-four dollars.

28.

HOME FOR DISABLED SOLDIERS AT KEARNEY.

Kearny home.

For the support of the New Jersey Home for Disabled Soldiers at Kearney, and for the chaplain thereof, fifty thousand dollars.

29.

SOLDIERS' STATE PAY.

Civil War claims.

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.

30.

WASHINGTON ASSOCIATION OF NEW JERSEY.

Morristown headquarters.

For trustees of the Washington Association of New Jersey, pursuant to chapter three hundred and nine,

laws of one thousand eight hundred and seventy-four, twenty-five hundred dollars.

31.

STATE BOARD OF AGRICULTURE.

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 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, three thousand dollars.

32.

TUBERCULOSIS COMMISSION.

Tuberculosis.

For expenses and payments by the State Tuberculosis Commission, twenty thousand dollars.

33.

AGRICULTURE EXPERIMENT STATION.

Experiment station.

For salaries and expenses of the Agricultural Experiment Station, twenty thousand dollars;

For printing bulletins of the Agricultural Experiment Station, one thousand five hundred dollars;

For expenses incurred by the New Jersey Agricultural Experiment Station in carrying out the provisions of "An act concerning the regulation of the sale of concentrated commercial feeding stuffs," three thousand dollars.

34.

BOARD OF VISITORS TO THE AGRICULTURAL COLLEGE OF NEW JERSEY.

Visitors to State 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.

35.

STATE HOSPITALS.

State asylums.

For traveling expenses of managers, eight hundred dollars;

For expenses in transferring insane convicts, two hundred dollars;

For medical examination of insane convicts, three hundred dollars.

36.

STATE HOSPITAL AT TRENTON.

Trenton asylum.

For maintenance of county patients, at the rate of two dollars per week; for support and clothing of insane convicts, at the rate of five dollars per week for each insane convict; and support and clothing of indigent patients, at the rate of four dollars per week, one hundred and fifty-six thousand three hundred and sixty-four dollars;

For salaries of officers, sixteen thousand six hundred dollars;

For appraisement of personal property, two hundred dollars;

For new furniture, three thousand dollars.

37.

STATE HOSPITAL AT MORRIS PLAINS.

Morris Plains asylum.

For maintenance of county patients, at the rate of two dollars per week; for support and clothing of insane convicts, at the rate of five dollars per week for each insane convict; and support and clothing of indigent patients, at the rate of four dollars per week, two hundred eighty thousand eight hundred dollars;

For salaries of officers, sixteen thousand and fifty dollars;

For appraisement of personal property, one hundred dollars;

For cold storage, ice-making plant and equipment and extension of rooms, fifteen thousand dollars;

For pull flushes in toilets, two thousand five hundred dollars.

38.

COUNTY LUNATIC ASYLUMS.

County asylums.

For the support of county patients in the Essex county lunatic asylum, one hundred and twenty thousand dollars;

In the Hudson county lunatic asylum, sixty-seven thousand dollars;

In the Camden county lunatic asylum, twenty-three thousand five hundred dollars;

In the Burlington county lunatic asylum, sixteen thousand dollars;

In the Passaic county lunatic asylum, four thousand dollars;

In the Gloucester county lunatic asylum, one thousand dollars;

In the Cumberland county lunatic asylum, thirteen thousand dollars;

In the Salem county lunatic asylum, one thousand dollars;

In the Atlantic county lunatic asylum, nine thousand dollars.

39.

STATE PRISON.

State prison.

For maintenance of convicts, one hundred and twenty thousand dollars;

For maintenance of principal keeper and resident physician, pursuant to chapters one hundred and sixty-three and two hundred and forty-four, of the laws of one thousand nine hundred and six, one thousand four hundred 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 physicians, deputy keepers and employes, for salary, one hundred and twelve thousand dollars;

For the six inspectors, for salaries, three thousand dollars;

For the keeper, for payments to discharged convicts, two thousand five hundred 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;

For traveling and other necessary expenses incurred by the parole agent, pursuant to chapter two hundred and thirty-two, laws of one thousand nine hundred and five, seven hundred dollars;

For maintenance of the electrocution plant, pursuant to the provisions of chapter seventy-nine, laws of one thousand nine hundred and six, and acts amendatory thereto, eight thousand dollars;

For the maintenance of a school in the State Prison,

pursuant to chapter sixty-five, laws of one thousand nine hundred and seven, one thousand six hundred dollars.

40.

STATE HOME FOR BOYS.

Jamesburg school.

For the trustees of the New Jersey State Home for Boys, eighty thousand dollars;

For the trustees of said home, for expenses incurred by them in the discharge of their duties, five hundred dollars.

41.

STATE HOME FOR GIRLS.

Girls' home.

For the trustees of the New Jersey State Home for Girls, for the support and necessary repairs to the home, sixty thousand dollars;

For the trustees of said home, for expenses incurred in the discharge of their duties, three hundred dollars;

For the salary of a probation officer, nine hundred dollars;

For traveling expenses of the probation officer, two hundred and fifty dollars.

For furniture for new building, three thousand dollars.

42.

PRESERVATION OF RECORDS.

Archives.

For the purpose of publishing and completing the early records of this State, known as "New Jersey Archives," three thousand dollars.

43.

BOARD OF FISH AND GAME COMMISSIONERS.

Fish and game commission.

For the fish and game wardens, including the fish and game protector, for compensation, fifteen thousand six hundred dollars;

For salary of secretary, one thousand eight hundred dollars;

For clerical services and incidental expenses, three thousand four hundred dollars;

For expenses of the fish and game wardens and fish and game protector, five thousand one hundred dollars;

For the purpose of stocking the waters of the State with food fishes and for defraying the cost of maintaining a hatchery and for the protection and propagation of birds and game animals within this State, five thousand dollars;

For expenses of the fish and game commissioners, one thousand dollars;

For printing game laws, license blanks, et cetera, seven hundred and fifty dollars.

44.

BLIND AND FEEBLE-MINDED.

Blind; feeble-minded.

For clothing, maintenance, support and instruction of the blind persons, inhabitants of this State, twelve thousand five hundred dollars;

For clothing, maintenance, support and instruction of the feeble-minded persons, inhabitants of this State. seventy-five thousand dollars;

For maintenance, support and instruction of feeble-minded women, forty thousand dollars;

For payment of premiums for fire insurance upon the Home for the Care and Training of Feeble-Minded Women, Vineland, one thousand one hundred twenty-eight dollars and seventy-five cents.

45.

DEPARTMENT OF LABOR.

Labor bureau.

For the commissioner, for salary, three thousand five hundred dollars;

For the assistant commissioner, for salary, two thousand dollars;

For thirteen inspectors, for salaries, nineteen thousand five hundred dollars;

For department clerks, for services, three thousand two hundred and fifty dollars;

For printing, postage, expressage and other incidental expenses, one thousand two hundred dollars;

For expenses of commissioner, assistant commissioner and inspectors, five thousand six hundred and fifty dollars.

46.

STATE CHARITIES AID ASSOCIATION.

Charities' aid.

For expenses of the association, pursuant to chapter one hundred and twenty, laws of one thousand eight hundred and ninety-two, six hundred dollars.

47.

STATE HORTICULTURAL SOCIETY.

Horticulture.

To the treasurer of the New Jersey State Horticultural Society, pursuant to chapter seventy-eight, laws of one thousand eight hundred and ninety-nine, the sum of four hundred dollars.

48.

STATE OYSTER COMMISSION FOR THE DISTRICT OF OCEAN COUNTY.

Ocean county oyster district.

For the commissioners, for salaries, seven hundred and fifty dollars;

For the superintendent, for salary, one thousand dollars;

For patrol service, one thousand dollars;

For incidental expenses, four hundred and fifty dollars; *provided,* all bills are approved by the Governor;

Proviso.

For office rent, fifty dollars.

49.

ADVERTISING.

Advertising.

For advertising proclamations issued by the Governor, notices of the Attorney-General in relation to delinquent miscellaneous corporations, and notices of the Comptroller in regard to public printing, et cætera, four thousand dollars.

50.

PRINTING.

Printing.

For printing and binding public documents, forty 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 session laws, one hundred dollars;

For printing and circulation of the laws, six thousand dollars.

51.

PUBLIC ROADS.

Roads.

For public roads, two hundred thousand dollars;

For State Commissioner of Public Roads, for salary, five thousand dollars;

For compensation of supervisor for assisting the State Commissioner of Public Roads in supervising, constructing and performing such other duties as

necessity may require, three thousand six hundred dollars;

For expenses for clerk hire, consulting engineer, fees, stationery and actual traveling expenses, six thousand dollars.

52.

OFFICES OF THE STATE COMPTROLLER AND STATE TREASURER.

Receipts and disbursements.

For the purpose of carrying out the provisions of chapter two hundred and eighty-eight of the laws of one thousand nine hundred and seven, five 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, four hundred dollars;

For manuals of the Legislature of New Jersey, 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, seven thousand dollars;

For toilet and other necessary supplies for use at the legislative session, to be furnished by the State House Commission, eight hundred dollars.

54.

COLLATERAL INHERITANCE TAX.

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, fifteen thousand dollars.

55.

REFUNDING TAXES ON MISCELLANEOUS CORPORATIONS.

Refund taxes.

For taxes improperly levied upon corporations and to be refunded, pursuant to law, one hundred and fifty dollars.

56.

MONUMENT ON BATTLEFIELD OF RED BANK, GLOUCESTER COUNTY.

Tablet.

For the purpose of placing a tablet containing a suitable inscription upon the monument on battlefield of Red Bank, Gloucester county, three hundred dollars;

Proviso.

provided, said sum is authorized by enactment of the present Legislature.

57.

PRACTICE TEACHING.

Practice teaching.

For extra compensation to the teachers in the various school districts in the State, for training the pupils in the State normal school at Trenton in the art of teaching, two thousand five hundred dollars;

For extra compensation to the teachers in the various school districts in the State, for training the pupils in the State normal school at Montclair in the art of teaching, one thousand five hundred dollars.

58.

BODIES THROWN UPON SHORES OF THE STATE BY SHIPWRECK.

Shipwrecked bodies.

For expenses incurred in viewing bodies cast upon shores by shipwreck, one hundred dollars.

59.

COURT EXPENSES.

Transferred suits.

For compensation of judges of the Court of Common Pleas, pursuant to section forty-nine, chapter one hundred and forty-nine of the laws of one thousand nine hundred, one thousand dollars.

60.

AGRICULTURAL COLLEGE FUND.

Agricultural college fund.

To the treasurer of Rutgers College, for interest on one hundred and sixteen thousand dollars, certificates of indebtedness of the State of New Jersey, due January first and July first, one thousand nine hundred and ten, pursuant to the provisions of chapter one hundred and thirty-five of the laws of one thousand eight hundred and ninety-six, five thousand eight hundred dollars.

61.

RIPARIAN COMMISSION.

Riparian commission.

For salaries of Riparian Commissioners, six thousand dollars;

For salaries and expenses incurred in the prosecution of the work of the commissioners, six thousand dollars.

62.

OBSTRUCTIONS TO NAVIGATION.

Removing sunken vessels.

For expenses incurred in removing any boat, barge or scow stranded or sunk in any of the navigable rivers of this State, two hundred dollars.

63.

MANUAL TRAINING AND INDUSTRIAL SCHOOL FOR COLORED YOUTH.

Bordentown school.

For maintenance of the Manual Training and Industrial School for Colored Youth, fifteen thousand dollars; payment to be made pursuant to chapter sixty-five, laws of one thousand nine hundred and nine.

64.

NEW JERSEY SCHOOL FOR THE DEAF.

Deaf-mute school.

For the New Jersey School for the Deaf, 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-five thousand dollars; payment to be made pursuant to chapter sixty-five, laws of one thousand nine hundred and nine.

65.

STATE NORMAL SCHOOL AT TRENTON.

Trenton Normal school.

For the support of the State Normal School at Trenton, sixty-one thousand dollars;

For necessary repairs to the grounds, buildings and

furniture, and for keeping the same insured, five thousand dollars; payments under this account to be made pursuant to chapter sixty-five, laws of one thousand nine hundred and nine.

66.

FREE SCHOOL LIBRARIES.

School libraries.

For the formation of libraries in the free public schools of the State, four thousand five hundred dollars.

67.

FARNUM PREPARATORY SCHOOL.

Farnum school.

For the support of the Farnum Preparatory School at Beverly, two thousand two hundred and fifty dollars.

68.

INDUSTRIAL EDUCATION.

Manual training.

For payments to schools established for industrial education, pursuant to chapter twenty of the laws of one thousand nine hundred and six, twenty thousand dollars;

For payments to schools for manual training, eighty thousand dollars.

69.

SUPERINTENDENT OF PUBLIC INSTRUCTION.

Bureau of education.

For salary of State Superintendent of Public Instruction, five thousand dollars;

For salary of Assistant Superintendent and for clerical services in the office of State Superintendent of Public Instruction, eleven thousand seven hundred and fifty dollars;

For stationery and blanks, four thousand seven hundred and fifty dollars;

For necessary incidental expenses incurred by the State Superintendent of Public Instruction in the performance of his official duties, two thousand five hundred dollars;

For one thousand copies of the manual of the Legislature of New Jersey, as provided by chapter one hundred and nine, laws of one thousand nine hundred and four, one thousand dollars; *provided,* manuals are furnished schools not heretofore having received them, so far as possible, and all public schools be included in the distribution; payments under this account to be made pursuant to chapter sixty-five, laws of one thousand nine hundred and nine.

Proviso.

70.

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, three thousand dollars.

71.

STATE BOARD OF EDUCATION.

Board of education.

For necessary expenses of the State Board of Education, three thousand dollars;

For expenses of bureau of information for teachers and school officers, five hundred dollars.

72.

TEACHERS' INSTITUTES.

Institutes.

For expenses of teachers' institutes, one thousand two hundred and fifty dollars.

73.

TEACHERS' LIBRARIES.

For the establishment and maintenance of libraries for use of teachers, three hundred dollars. Teachers' libraries.

74.

COUNTY SUPERINTENDENTS.

For county superintendents of schools, for salaries, forty-two thousand dollars; payment to be made pursuant to chapter sixty-five, laws of one thousand nine hundred and nine. County superintendents.

75.

EMERGENCY.

For the Governor, to enable him to meet any emergency requiring the expenditure of money not otherwise appropriated, and to cover any incidental expense of commissioners appointed by him under statute or in his discretion, 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. Emergency fund.

76.

STATE BOARD OF EXAMINERS.

For expenses incurred by the State Board of Examiners and compensation for the person appointed by the State Board of Education, two hundred and fifty dollars. Examinations.

77.

DIGEST OF LAW AND CHANCERY REPORTS.

Digest.

For five hundred copies of MacKay and Newman's New Jersey Digest, furnished pursuant to chapter thirty-seven, laws of one thousand nine hundred and eight, at seven dollars and fifty cents per volume, three thousand seven hundred and fifty dollars.

78.

NEW JERSEY HOME FOR DISABLED SOLDIERS, SAILORS, MARINES AND THEIR WIVES AND FOR THEIR WIDOWS, AT VINELAND.

Vineland home.

For salary of commandant, one thousand five hundred dollars;

For salary of adjutant, one thousand dollars;

For salaries of assistants, nine thousand dollars;

For maintenance and all other expenses, thirty-seven thousand six hundred and thirty dollars;

For repairs to the buildings and furniture, five hundred dollars.

79.

STATE OYSTER COMMISSION.

Oyster commission.

For the better regulation and control of the taking, planting and cultivating of oysters on the lands lying under the tide waters of the Delaware river, Delaware bay, Maurice river cove and Raritan bay, in the State of New Jersey, thirteen thousand dollars;

For the protection of the natural seed oyster grounds on lands lying under the tidal waters of the Delaware river and Delaware bay, north of "southwest line," in the State of New Jersey, four thousand dollars;

For expenses of surveying and mapping lands to be leased for oyster culture under the tidal waters of the

Delaware river, Delaware bay, Maurice river cove and Raritan bay, in the State of New Jersey, one thousand two hundred dollars.

80.

STATE BOARD OF CHILDREN'S GUARDIANS.

To the State Board of Children's Guardians, for expenses, ten thousand dollars. Children's guardians.

81.

PUBLIC LIBRARY COMMISSION.

For the purpose of carrying into effect the provisions of chapter sixty-two, laws of one thousand nine hundred; for clerical assistance, necessary traveling and other expenses incurred by the commission, and for carrying into effect the provisions of chapter one hundred and seventy-five, laws of one thousand eight hundred and ninety-eight, and its supplements, providing for the establishing and maintenance of a system of traveling libraries; and for the purpose of carrying into effect the provisions of chapter one hundred and fifteen, laws of one thousand nine hundred and six, five thousand dollars. Library commission.

82.

TEACHERS' RETIREMENT FUND.

For payment of expenses incurred in connection with the administration of the teachers' retirement fund, pursuant to chapter one hundred and thirty-nine, laws of one thousand nine hundred and seven, three thousand dollars. Expenses retirement fund.

83.

NEW JERSEY REFORMATORY.

Rahway reformatory.

For traveling and other official expenses of commissioners, one thousand dollars;

For the superintendent, for salary, three thousand five hundred dollars;

For the subordinate officers and employes, for salaries, sixty thousand dollars;

For maintenance, sixty-five thousand dollars;

For furniture, appliances and repairs (including industrial departments), twenty thousand dollars

For the superintendent, for payments to discharged inmates, three thousand dollars;

For traveling expenses of parole officers, two thousand dollars;

For fuel and water, fifteen thousand dollars;

For farm live stock, implements, etc., one thousand dollars;

For rent of house for superintendent, five hundred and fifty dollars;

For sewage disposal plant, twelve thousand dollars.

84.

VILLAGE FOR EPILEPTICS.

Epileptic village.

For expenses of managers, four hundred dollars;

For the superintendent, for salary, two thousand five hundred dollars;

For the steward, for salary, two thousand dollars;

For the first assistant physician, for salary, one thousand five hundred dollars;

For the second assistant physician, for salary, eight hundred dollars;

For additional allowance for second assistant physician, for salary, four hundred dollars;

For maintenance, including fuel and light, seventy-five thousand dollars;

For repairs to buildings, three thousand five hundred dollars;

For the completion and furnishing of two attendants' cottages, three thousand one hundred and fifty dollars;

For construction of dam, one thousand eight hundred dollars.

85.

STATE AGRICULTURAL COLLEGE.

State college.

To the treasurer of Rutgers College, to pay the State Agricultural College for the benefit of agriculture and the mechanic arts, pursuant to chapter ninety of the laws of one thousand nine hundred and five, fifteen thousand dollars; payment to be made pursuant to chapter sixty-five, laws of one thousand nine hundred and nine;

For salaries, supplies and all other expenses for the maintenance of short courses in practical and scientific agriculture, pursuant to chapter fifty-five of the laws of one thousand nine hundred and five, and chapter forty-three of the laws of one thousand nine hundred and seven, eleven thousand five hundred dollars;

For the purpose of carrying into effect the provisions of "An act to provide for the establishment of a course in practical and scientific instruction in the art of clay-working and ceramics in the State Agricultural College," approved March seventeenth, one thousand nine hundred and two, and a supplement approved March fourteenth, one thousand nine hundred and seven, being chapter seven, laws of one thousand nine hundred and seven, two thousand five hundred dollars.

86.

BURIAL GROUNDS.

Cemeteries.

For the care and maintenance of burial grounds purchased by the State, pursuant to chapter one hundred and seventy-one, laws of one thousand eight hundred and ninety-eight, one hundred dollars.

87.

STENOGRAPHIC REPORTERS.

County court stenographers.

For amount to be refunded to various counties in this State for salaries of stenographic reporters appointed by the justices of the Supreme Court, pursuant to chapter eighty-one of the laws of one thousand nine hundred and one, eleven thousand dollars.

88.

STATE SCHOOL TAX.

School tax.

For the purpose of reducing the State school tax to be assessed for the year one thousand nine hundred and ten, one hundred thousand dollars.

89.

BUREAU OF SHELL FISHERIES.

Shell fisheries.

For the chief of the bureau, for salary, one thousand two hundred dollars;

For blanks, stationery and other incidental expenses, one thousand dollars.

90.

SANATORIUM FOR TUBERCULOUS DISEASES.

Sanatorium.

For maintenance, seventy-eight thousand dollars;

For farming of land, feed for stock, purchase of horses and farming implements, two thousand dollars;

For construction of roof to open piazza, two thou- hundred dollars.

91.

VESSELS NAVIGATING THE WATERS ABOVE TIDEWATERS WITHIN THE STATE.

Inland navigation.

For salary of chief inspector, six hundred dollars;
For expenses of chief inspector, two hundred dollars;
For salary and expenses of assistant inspector, five hundred dollars.

92.

TENEMENT HOUSE SUPERVISION.

Tenement house commission.

For rent of offices, two thousand dollars;
For printing and stationery, one thousand seven hundred and fifty dollars;
For clerical service and stenographer, three thousand dollars;
For salary of architect and plan examiner, one thousand eight hundred dollars;
For twenty-two inspectors, one thousand dollars each, twenty-two thousand dollars;
For assistant plan examiner, one thousand two hundred dollars;
For salary of chief clerk, one thousand two hundred dollars;
For salary of law clerk, one thousand two hundred dollars;
For salary of record clerk, one thousand two hundred dollars;
For salary of assistant record clerk, one thousand two hundred dollars;
For secretary and executive officer, three thousand dollars;
For incidentals, postage and expressage, eight hundred dollars;
For inspectors' expenses, two thousand five hundred dollars;

For traveling expenses of executive officer and plan examiners, two hundred dollars;

For expenses of members of the Board of Tenement House Supervision, four hundred and fifty dollars.

93.

EVENING SCHOOLS FOR FOREIGN-BORN RESIDENTS.

Night schools.

For the purpose of carrying out the provisions of an act entitled "An act providing for the establishment of evening schools for foreign-born residents in the State of New Jersey," approved April eleventh, one thousand nine hundred and seven, ten thousand dollars; payment to be made pursuant to chapter sixty-five, laws of one thousand nine hundred and nine.

94.

COMMISSION TO REVISE AND CONSOLIDATE PUBLIC STATUTES.

Revision of laws.

For salaries and expenses incurred by the Commission to Revise and Consolidate the Public Statutes of this State, pursuant to chapter fifty-eight laws of one thousand nine hundred and eight, fifteen thousand dollars.

95.

STATE OYSTER COMMISSION FOR THE DISTRICT OF ATLANTIC COUNTY.

Atlantic county oyster district.

For the commissioners, for salaries, nine hundred dollars;

For the superintendent, for salary, one thousand dollars;

For patrol service, one thousand six hundred and eighty dollars;

For incidental expenses, two hundred and fifty dollars;

For surveys, one hundred and fifty dollars.

96.

DEPARTMENT OF CHARITIES AND CORRECTIONS.

Charities and corrections.

For salary of commissioner, four thousand dollars;

For salary of assistant (architect), three thousand six hundred dollars;

For salary of draughtsman, two thousand five hundred dollars;

For allowance for clerical service, nine hundred dollars;

For traveling expenses of commissioner and assistant, five hundred dollars;

For blanks, stationery, postage, et cetera, one thousand dollars.

The following sums are hereby appropriated, provided a bill pending entitled "An act to constitute the Commissioner of Charities and Corrections a State purchasing agent, and to prescribe his powers and duties in connection therewith, and to provide an assistant in the performance of said duties," becomes a law:

For salary of assistant, two thousand dollars;

For allowance for clerical service, seven hundred and fifty dollars.

For incidental expenses, five hundred dollars.

97.

FOREST PARK RESERVATION COMMISSION.

Forestry commission.

For the use of the State Board of Forest Park Reservation Commissioners, pursuant to said chapter, including maintenance of State forest lands, six thousand dollars;

For the use of the State Board of Forest Park Reservation Commissioners, for the purpose of carrying out the provisions of chapter one hundred and twenty-three, laws of one thousand nine hundred and six, five thousand dollars.

98.

STATE NORMAL SCHOOL AT MONTCLAIR.

Montclair Normal school.

For support of the State Normal School at Montclair, forty-seven thousand dollars;

For necessary improvements and repairs to the grounds, buildings and furniture, and for keeping the same insured, three thousand dollars; payments under this account to be made pursuant to chapter sixty-five, laws of one thousand nine hundred and nine.

99.

HEALTH OFFICERS OF THE PORT OF PERTH AMBOY.

Port health officers.

For salary of the health officer of the port of Perth Amboy, pursuant to chapter three hundred and twenty-eight, laws of one thousand nine hundred and six, one thousand dollars;

For salary of the deputy health officer of the port of Perth Amboy, pursuant to said chapter, two hundred and fifty dollars.

100.

COUNTY BOARDS OF TAXATION.

County tax boards.

For salaries of members of the county boards of taxation, ninety-three thousand dollars.

101.

SECRETARY OF STATE, DEPARTMENT OF MOTOR VEHICLE REGULATION AND REGISTRATION.

Motor vehicle department.

For salary for the Commissioner of Motor Vehicles, one thousand five hundred dollars;

For salary for the chief inspector, one thousand five hundred dollars;

For compensation for inspectors, six thousand dollars;

For expenses and equipment of inspectors, three thousand five hundred dollars

For compensation for clerical services, five thousand dollars;

For postage, expressage and other incidental expenses, three thousand dollars;

For blanks and stationery, two thousand dollars;

For the purchase and packing of identification marks and dies for use in connection with the same, ten thousand five hundred dollars; payment of the above items in this account to be made from the receipts of the department of motor vehicle regulation and registration; *provided*, same is authorized by enactment of the present Legislature.

Proviso.

102.

BOARD OF RAILROAD COMMISSIONERS.

Railroad commission.

For salaries and expenses of members of the Board of Railroad Commissioners, thirty thousand dollars.

103.

DEPARTMENT OF PUBLIC REPORTS.

Edit reports.

For salary of Commissioner of Public Reports, two thousand dollars;

For salary of clerk, six hundred dollars;

For blanks and stationery for use of the department, seventy-five dollars;

For postage, expressage and other incidental expenses for the department, seventy-five dollars.

104.

STATE WATER SUPPLY COMMISSION.

Disapproved.

For salaries of commissioners, twelve thousand five hundred dollars;

Water supply commission.

For salary of secretary, two thousand five hundred dollars;

For blanks, stationery, postage and other incidental expenses of the Commission, one thousand dollars;

For expenses incurred in connection with new or additional water supplies, one thousand dollars;

For engineers, inspectors, field work, et cetera, two thousand five hundred dollars.

105.

CIVIL SERVICE COMMISSION.

Civil service.

For salaries and expenses of the Civil Service Commission, thirty thousand dollars.

106.

DEPARTMENT OF INLAND WATERWAYS.

Inland waterways.

For the purpose of carrying out the provisions of chapter eighty-three, laws of one thousand nine hundred and eight, fifty thousand dollars;

For salary of the Commissioner of Inland Waterways, pursuant to chapter fifteen, laws of one thousand and eight, two thousand dollars.

107.

SUMMER COURSES, AGRICULTURAL COLLEGE.

Summer schools.

For the purpose of carrying out the provisions of chapter fifty-five, laws of one thousand nine hundred and eight, two thousand dollars.

108.

LIVE STOCK COMMISSION.

Live stock commission.

For the purpose of carrying out the provisions of chapter fifty-six and chapter two hundred and twelve, laws of one thousand nine hundred and eight, five thousand dollars.

109.

JUDICIAL RETIREMENT FUND.

Judges' pensions.

For the purpose of carrying out the provisions of chapter three hundred and thirteen, laws of one thousand nine hundred and eight, seven thousand dollars.

110.

DEPARTMENT OF ACCOUNTS.

Auditor.

For salary of Auditor of Accounts, three thousand dollars;

For salaries of three assistants, two thousand dollars each, six thousand dollars;

For salary of stenographer, six hundred dollars;

For traveling expenses of Auditor and three assistants, and incidental office expenses, one thousand dollars.

111.

SOLDIERS' AND SAILORS' MONUMENT, AT TRENTON, MERCER COUNTY.

Trenton soldiers' monument.

For the purpose of defraying the expenses necessarily incident to the dedication of the Soldiers' and Sailors' Monument at Trenton, in the county of Mercer, one thousand dollars.

112.

COLLATERAL INHERITANCE TAX.

Inheritance tax.

For the purpose of carrying out the provisions of a bill pending entitled "An act to tax the transfer of property of resident and non-resident decedents, by devise, bequests, descent, distribution by statute, gift, deed, grant, bargain and sale, in certain cases," ten thousand dollars; *provided,* said bill becomes a law.

Proviso.

113.

Blind.

For expenses of the commission on the amelioration of the condition of the blind, one thousand five hundred dollars; *provided,* Assembly Bill No. four hundred and fifty-six becomes a law.

Proviso.

School system.

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 and ten:

FREE PUBLIC SCHOOLS.

For the support of free public schools, two hundred thousand dollars;

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.

Approval of plans and contracts by governor.

3. Before any building or buildings shall be commenced or work undertaken, for the cost of which money is appropriated by this act, the plans, specifications and contracts necessary for the entire completion thereof shall, and each of them shall, be submitted to and approved by the Governor, and such contracts shall not be approved or entered into if the total expenditure under all the contracts necessary to the entire completion of such building, buildings or work according to such plans and specifications shall exceed the amount appropriated by this act for such building, buildings or work; and in any and every case where it shall appear that the appropriation is insufficient to complete such building, buildings or work, the appropriation hereby made therefor shall not be applied toward the construction of such building or buildings, or prosecution of such work, but shall lapse and no payment shall be made therefrom.

If appropriation inadequate, to lapse.

Moneys used as specified.

4. No money shall be drawn from the treasury except for objects as hereinabove 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, United States appropriations for disabled soldiers, sailors, marines and their wives, Agricultural College Fund and taxes for the use of taxing districts in this State, moneys received pursuant to the laws relating to motor vehicles, provided a bill pending relating thereto becomes a law, moneys received by the State from the taxation of railroad and canal property, which may be by law apportioned to the various counties of the State for school purposes, and loans to "State School Fund," which last-named sums shall be paid pursuant to the laws applicable thereto; this section shall not be construed to prohibit the payment due upon any contract made under an appropriation of the previous year, nor of any payments into the State treasury by

State institutions and commissions pursuant to an act entitled "An act regulating the receipt and disbursement of State moneys in certain cases," approved October thirty-first, nineteen hundred and seven (Chapter two hundred and eighty-eight, laws of nineteen hundred and seven), which moneys by the provisions of Chapter forty-one, laws of nineteen hundred and eight, are appropriated for the maintenance of said State institutions and commissions making such payments, but nothing herein shall be construed to apply to the payments into the State treasury by the State Reformatory and State Prison of the receipts for the labor of the inmates of those institutions.

Effective.

5. This act shall take effect on the first day of November, one thousand nine hundred and nine.

Approved April 21, 1909, except as to line one item 104.

This bill is approved except as to the following item, which is disapproved:

Item No. 104, which reads as follows: "For salaries of commissioners, twelve thousand, five hundred dollars." The Senate at this session passed an act reducing the salaries of these commissioners to one thousand dollars. The bill was held in committee in the House of Assembly, and the House never had an opportunity to vote upon it. In my Message to the Legislature, I recommended a single headed commissioner for this department. The Legislature at its next session can either create a single headed department or reduce the salaries of these commissioners and fix the compensation at what they think right, to date from November 1st, of this year. The Joint Finance Committee, as well as the committee of the minority, recommended that the salaries of these commissioners should be reduced to one thousand dollars. The matter will be open to the next Legislature to continue the present salaries or to reduce them, or to appropriate on the present basis of salary.

JOINT RESOLUTIONS.

Joint Resolutions.

JOINT RESOLUTION NO. 1.

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

1. That the State House Commission be and they are hereby authorized to purchase one "bronze memorial tablet" of Abraham Lincoln's Gettysburg Address, together with a bust of the late President, such as has been adopted by the National Encampment of the Grand Army of the Republic, and place the same in a proper position within the State capitol building, and that the ceremonies attending the former installation and dedication of both the tablet and the bust be conducted under the direction of the Governor and the Commander of the Grand Army of the Republic, Department of New Jersey, and, if possible, on or about the twenty-second day of February, nineteen hundred and nine. Lincoln bust and tablet.

2. That the State House Commission is hereby authorized for this purpose to expend four hundred dollars from their appropriation for the current year to cover the expenses thereof. Appropriation.

3. That this resolution shall take effect immediately.

Approved January 26, 1909.

JOINT RESOLUTION NO. 2.

Joint Resolution in relation to the New Jersey civil war veteran medal.

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

Veterans' medals.

1. The Governor of the State is hereby authorized to present a New Jersey civil war veteran medal authorized to be issued by a resolution, entitled "Joint resolution in relation to medals for the survivors of the officers and men who enlisted from the State of New Jersey during the war of the rebellion in New Jersey regiments, and to be known as the New Jersey civil war veteran medal," approved March twenty-eighth, nineteen hundred and four, to every person who enlisted in the land or naval forces of the United States during the war of the rebellion, and who was credited to our quota of men from this State to be raised for the prosecution of said war; *provided, however,* that such person performed the service for which he enlisted and was honorably discharged after the period for which he enlisted or at the termination of said war.

Proviso.

2. This resolution shall take effect immediately.

Approved March 17, 1909.

JOINT RESOLUTION NO. 3.

Joint Resolution concerning an inventory and appraisal of railroad and canal property, including franchises, in the State of New Jersey.

Preamble.

WHEREAS, No new and complete inventory of railroad and canal property in the State of New Jersey has been made since the year one thousand eight hundred and eighty-six; and

WHEREAS, It is desirable to have a present complete inventory made for the information and use of the people of the State, the Legislature, the State Board of Assessors, and the State Board for the Equalization of Taxes; therefore,

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

Committee to revalue railroad and canal property.

1. The Governor, by and with the advice and consent of the Senate, appoint three competent persons, of whom at least two shall be experts, who shall proceed forthwith to make a revaluation of all railroad and canal property in the State, real and personal, including separately the franchises, and make a true and complete inventory and appraisal of the true value thereof.

Franchise value.

Method.

The work shall be done under the direction of the Governor, and upon such lines as he shall deem advisable, and shall be in form available for use for the purposes of taxation under existing laws; in the prosecution of their duties, the appraisers may employ all needed clerical help, and shall have such assistance as they may request from the department of the State Board of Assessors, or from any other State Board or officer. The work of the appraisers shall be completed, and a report in detail filed with the Governor, on or before September first, one thousand nine hundred and nine; the report to be public and to be submitted to the Legislature of one thousand nine hundred and ten; and be it further

Assistance.

Report.

Compensation.

Resolved, That in addition to their reasonable expenses, the appraisers shall receive for their services, such compensation as the Governor shall fix, which shall be paid by the State Treasurer, upon the warrant of the Comptroller, upon certification by the Governor.

2. This joint resolution shall take effect immediately.

Approved April 5, 1909.

JOINT RESOLUTION NO. 4.

Joint Resolution in relation to the campaign against tuberculosis.

Preamble.

WHEREAS, Tuberculosis, by its widespread distribution throughout this commonwealth, is causing untold suffering and distress, is affecting the health and prosperity of our citizens, is draining the resources of individuals, and causing appalling waste of human life; and

WHEREAS, Modern science has demonstrated the possibility of minimizing this disease by measures of education, sanitary supervision, isolation and early medical treatment; therefore,

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

Commission on tuberculosis.

1. The Governor of this State be and he hereby is authorized to appoint a commission of five persons, two of whom may be women, citizens of New Jersey, to arrange for any carry into effect a public meeting or meetings to be held in the city of Trenton or elsewhere; to arouse the attention of the people of the State to the importance of the campaign against this preventable disease; to investigate how far the needs are being met by existing agencies and institutions, and what new forms of educational efforts shall be advisable; to report on the advisability of isolation camps, and to take such other steps as may be practicable to assist in the progress of this important campaign.

Duties.

2. The said commission shall serve without compensation; they shall meet at the State House in the city of Trenton, or in such other places as they may deem advisable, the times and places to be agreed upon by them, and shall report to the Governor and Legislature their acts and conclusions on the subject, with such data as they may gather.

Report.

Appropriation.

3. The sum of fifteen hundred dollars is hereby appropriated for the purpose of paying the expenses of said commission, payable by the Treasurer on war-

rant of the Comptroller, upon voucher duly certified and approved by the chairman of the commission.

4. This joint resolution shall take effect immediately.

Approved April 16, 1909.

JOINT RESOLUTION NO. 5.

Joint Resolution providing for the placing of an inscription upon the monument erected on the battlefield of Red Bank.

Preamble.

WHEREAS, A suitable inscription, explanatory of the action, has never been placed upon the monument erected by the State of New Jersey, in nineteen hundred and six, on the battlefield of Red Bank, in the county of Gloucester; and

WHEREAS, The inscription on the small monument erected in eighteen hundred and twenty-six on said battlefield is nearly obliterated; therefore,

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

Tablet on Red Bank monument.

1. The Sons of the Revolution in New Jersey, a patriotic society, be authorized to place upon the monument erected by the State of New Jersey in nineteen hundred and six on the battlefield of Red Bank, under approval of a committee consisting of the Governor, the President of the Senate and the Speaker of the House of Assembly, an inscription or inscriptions explanatory of the battle fought on that ground, and that there be appropriated for this purpose the sum of three hundred dollars, or so much thereof as may be necessary when included in the annual or supplemental appropriation bill, the same to be paid by the Treasurer out of any moneys in said treasury not otherwise appropriated, upon a warrant drawn by the Comptroller

Appropriation.

New Jersey State Library

on approval of the aforesaid committee, or a majority thereof.

2. This joint resolution shall take effect immediately.

Approved April 16, 1909.

JOINT RESOLUTION NO. 6.

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

Appropriation for printing report of charities' conference.

1. The New Jersey Conference of Charities and Corrections be authorized to print two thousand copies of their annual conference for 1909; and the sum of five hundred dollars is hereby appropriated for the printing and distribution of the same, to be paid out by the State Treasurer upon warrant of the State Comptroller, upon vouchers duly approved by the Governor.

Effective.

2. This resolution shall take effect when included in the supplemental appropriation bill for the fiscal year ending October thirty-first, one thousand nine hundred and nine.

Approved April 16, 1909.

JOINT RESOLUTION NO. 7.

Joint Resolution to continue the commission on industrial education.

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

Commission continued.

1. The commission appointed under Joint Resolution No. 11, approved April fourteenth, one thousand nine hundred and eight, be and the same is hereby continued for another year, with all the powers and duties

conferred by said resolution; *provided, however,* that the said commission shall not be authorized to incur any expense for which the State shall be responsible. Proviso.

2. This joint resolution to take effect immediately.

Approved April 19, 1909.

JOINT RESOLUTION NO. 8.

Joint Resolution providing for the furnishing of information to the Legislature as a basis for appropriations.

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

1. On or before the tenth day of January in each year all State institutions, departments, boards, commissions, officials and bodies, dependent in whole or in part upon legislative appropriation for support, shall submit to the State Comptroller, upon forms prepared and provided by him, an estimate of their needs for the coming fiscal year and for supplemental appropriation for the current year, if such supplemental appropriation is necessary. Yearly estimate.

The Comptroller shall cause condensed statements of these estimates to be printed together in pamphlet form, with estimates upon the same matters by the board of control, if such a board is established, such estimates by the board of control to be submitted to the Comptroller by said January tenth, and statements of the similar expenditures for the prior year, and the sums appropriated for the current year, the said several sums to be arranged in parallel columns so far as may be, for the purpose of reference and comparison. Prepared in pamphlet form.

The Comptroller shall also cause to be printed in such pamphlet, in form similar to the above, and for the same purpose of comparison, brief statements, suf- Comparative table.

ficiently itemized under general heads to be intelligible, showing

Receipts. (a) The receipts of the State for the last fiscal year, and, separately, estimates by the Comptroller of the expected receipts for the current and coming fiscal years.

Disbursements. (b) The disbursements of the State for the last fiscal year and the appropriations for the current year, and

Miscellaneous. (c) Such other matter, information, tables, summary statements and balances as to the Comptroller or Governor shall seem desirable in connection with the work of legislative appropriation for the coming year.

Arrangement. The said pamphlet shall be arranged throughout to present in simplest form the financial condition of the State and the moneys available and expenditures necessary for the current and coming fiscal years, and shall be submitted to the Legislature by the Comptroller on or before the first day of February in each year.

Submitted to legislature.

Approved April 21, 1909.

PROCLAMATIONS.

Proclamations by the Governor.

The honor of being a citizen of this great republic would, of itself, be a sufficient cause for annually setting apart, in accordance with custom, a day for thanksgiving and prayer. But the people of New Jersey have much else to be thankful for. Their church relations, their free schools, their good roads, their unique situation, their clean State government, their picturesque hills, their unequalled sea coast; their efficient municipal governments; their vast mining, manufacturing and industrial interests, and their high average of intelligence, all give cause for unbounded gratitude to the Giver of all good. Beside all this, our fields have been fertile, our homes happy, our transportation facilities satisfactory, the wages of labor fair, and the price of the product of our farms and of the output of our factories remunerative. When to all this is added a splendid civic spirit, which is abroad in our public life, we can indeed be grateful for the Providence over-ruling it all. On every account our lot may, truly, be said to be cast in pleasant places.

Therefore, I, John Franklin Fort, Governor of the State of New Jersey, do designate Thursday, the twenty-sixth day of November, instant, as a day to be observed for general thanksgiving and prayer, and upon that day I recommend that all business cease and that the people gather in their respective churches, and other places, for public worship, or in their homes in private, to make fitting acknowledgment to Almighty God of his unbounded benefactions to us as Nation, State and individuals.

Given under my hand and seal at the Executive Chamber, in the city of Trenton, this thirteenth day of November, in the year of our Lord, one thousand nine hundred and eight, and of the Independence of the United States the one hundred and thirty-third.

(SEAL) JOHN FRANKLIN FORT.

By the Governor:

S. D. DICKINSON,
Secretary of State.

ENDORSED:

"Filed Nov. 13, 1908.
S. D. DICKINSON,
Secretary of State."

TO THE PEOPLE OF THE STATE OF NEW JERSEY:

The people of New Jersey in common with all humanity sympathize with the people of southern Italy in the desolation, destruction and death that has come to them. Two cities lie in ruins and fully one hundred thousand people are dead. Sympathy is of little avail unless it is timely and extended in a practical way. The people in New Jersey, aside from their interest in the inhabitants of Italy, have a further incentive to aid upon the fact that thousands of our citizens and residents are Italians, some of whose friends and kindred have gone to death or terrible loss or both in the great calamity.

I recommend that contributions be made through the New Jersey State Branch of the American National Red Cross which is in communication with the Italian Red Cross and has undertaken to receive and forward all sums for relief.

All moneys raised in New Jersey should be forwarded to Daniel S. Voorhees, State Treasurer, at

Trenton, who is Treasurer of the New Jersey State Branch of the Red Cross.

Let me express the hope that the generosity of all our people will find quick expression as there is terrible suffering and great need.

Given under my hand and the privy seal of the State of New Jersey, at Trenton, this thirty-first day of December, in the year of our Lord, one thousand nine hundred and eight, and of the independence of the United States, the one hundred and thirty-third.

(SEAL) JOHN FRANKLIN FORT.

By the Governor,

LESLIE R. FORT,
Secretary to the Governor.

ENDORSED:

"Filed Dec. 31, 1908.
S. D. DICKINSON,
Secretary of State."

PROCLAMATION BY THE GOVERNOR.

STATE OF NEW JERSEY.
EXECUTIVE DEPARTMENT.

WHEREAS, the Comptroller did, on the fourth day of January, nineteen hundred and nine, under the provisions of an act entitled "A further supplement to an act entitled 'An act to provide for the imposition of State taxes upon certain corporations and for the collection thereof,' approved April 18, 1884," which supplementary act was approved June 3, 1905, report to the Governor a list of all corporations coming under said act; and

WHEREAS, the following-named corporations so reported have, for the two years preceding such report failed, neglected or refused to pay the State taxes assessed against them for the year 1906, under the laws

of the State of New Jersey, and made payable into the State Treasury; and

WHEREAS, under the provisions of said act the charters of said corporations are repealed and all powers conferred by law upon such corporations declared inoperative and void, unless the Governor gives further time for payment; and

WHEREAS, the Governor has not given further time to the corporations so reported and hereinafter named for the payment of such taxes, and the same are still unpaid; now,

THEREFORE, I, John Franklin Fort, Governor of the State of New Jersey, pursuant to the provisions of said act of the Legislature, do hereby issue this my proclamation that the charters of the following named corporations so reported and in default, to wit:

MISCELLANEOUS CORPORATIONS, UNPAID TAXES FOR 1906.

A. C. Howard Shoe Polish Company,
Acme Publishing Company,
Acme Rubber Stamp Company,
Active Mining Company,
Adams Mining Company,
Adams Storage Battery Company,
Adam Weber Sons,
Adjustaphone Company,
Advance Realty Association,
Ætna Cooperage Company,
Afro-American Investment Company,
Agricultural Society of Haiti,
Ajax Portland Cement Company,
Ajax Sandstone Brick Company, formerly Lorraine Sandstone Brick Company,
A. J. Ellis Company,
Albion Real Estate Company,
A. Leon Rudolph Company,
Algar Realty Company,
Alice S. Taylor Company,

Allegheny Company,
Allegheny Quarry Company,
Allen Catering Company,
Allenhurst Club,
Allen Realty Company,
Aluminum Crown Stopper Company,
Ambro Company,
American Aromatic Disinfector Company,
American Automatic Loom Company,
American Automatic Oiler Company,
American Automatic Voting Machine Company,
American Bangor Slate Company,
American Beck Electric Lighting Company,
American Burner Company,
American Clarite Company,
American Clay Machinery Company,
American Cocomac Company,
American Darracq Automobile Company,
American Directory Company,
American Dressed Beef and Provision Car Line Company,
American Electric Brake Company,
American Electric Securities Company,
American Falls Water Supply Company,
American Fuel Corporation,
American Gold Company,
American Graphite Company,
American Hide Products Company,
American Hydraulic Motor Company,
American Ice Company of Philadelphia.
American Industrials Company,
American Inventions Company,
American Isthmus Ship Canal Company,
American Lock Nut Company,
American Loom Company,
American Manufacturers Association,
American Memorial and Maintenance Company,
American Metallurgical Company,
American Mineral and Alloy Company,
American Mineral Wax Mining Company,

American Panama Construction Company,
American Patent Rights Company,
American Pearl Company,
American Photogravure Company,
American Plate Ice Construction Company,
American Power and Gas Machine Company,
American Press Forging Company,
American Production Company,
American Rice Cereal Company,
American Saddlery and Harness Company,
American School Furniture Company,
American Snap Company,
American Standard Manufacturing Company,
American Sterilized Air and Transportation Company,
American Trading and Manufacturing Company,
American Valve Company,
American Veneer Company,
American Vibrator Company,
Andrews Specific Company,
Ansbach Company,
Aquarama Company,
Argentine Development Company,
Arnold Flat Seam Machine Company,
Arnold Sewing Machine Company,
Art Fibre Company,
Asbury Park Pier Company,
A. S. Dowie-Van Cleve Stationery Company,
A. Sidney Rambo Company,
Aslam-Rose Company,
Associated Attorneys,
Associated Mining and Developing Company,
Associated Stores Company,
Atlantic City Realty Company,
Atlantic Deis Pump Company,
Atlantic Efrosite Company,
Atlantic Oil and Pulp Company,
Atlantic School of Osteopathy,
Atlantic Sea Coast Land Company,
Atlantic Specialty Manufacturing Company,
Atlantic States Fertilizer Company,

Atlas Steel and Iron Company,
Atlas Wine and Liquor Company,
Audubon Improvement Company,
Austin Automobile Company,
Auto Leather Company,
Automatic Combination Machine Company,
Automatic Oil Cup System and Novelty Corporation,
Auxiliary Fire Alarm Company,
Baghurst Manufacturing Company,
Baker Patents Promotion Company,
Baker Sanitary Filtration Company,
Baltimore Amusement Company,
Baltimore Laundry Company,
Baltimore Woolen Mills Company,
Bangor Southern Slate Company,
Bangor Standard Slate Company,
Bankers Audit and Finance Company,
Barker Printing Ink Company,
Barristers Bureau,
Basin-Montana Mining Company,
Bastian Shoe Manufacturing Company,
Batchelor Brothers Tobacco Company,
Bay Way Copper Company,
B. B. & S. Brewing Company,
Beacon Automobile Company,
Beacon Paint and Varnish Preservation Company,
Beaton and Company,
Beaver Falls Real Estate Company,
Beaver Mountain Lumber Company,
Bebro's Mercantile Agency,
Becker Tobacco Company,
Beebe Transportation Company,
Bell Engraving Company,
Belleville Heights Land and Improvement Company,
Belleville Public Hall Company,
Bellevue Amusement Company,
Bergen Drug Company,
Bergen Lamp Company,
Bergen Republican Realty Company,
Berkshire Land Company,

Berry and Hardman Company,
Berry Forwarding Company,
Bethel Silk Company,
Beveridge Pluemer Company,
Biscayne Bay Company,
Bishop Tea and Spice Company,
Black Diamond Anthracite Coal Company,
Blackwell Manufacturing Company,
Blair Company,
Blake Typewriter Company,
Blanchite Paint Company,
Blue Ridge Company,
Boise City Irrigation and Land Company,
Boismaure Oscillating Jewelry Company,
Bond and Stock Securities Company,
Bond Investment Company,
Boon and Hill Company,
Bordentown Pottery Company,
Borough Bronze Company,
Boston Carolina Mining Company,
Boulevard Land Company,
Bowen and Drake Company,
Bradley Jewelry Company,
Braum Automatic Scale and Machine Company,
Breeze Motor Manufacturing Company,
Bridgeton Bleach and Finishing Company,
Brighton Oil and Gas Company,
British-American Dredging Company,
British American Securities Company,
Broadbrim Cut Glass Company,
Brokers' Association of New Jersey,
Browne Aberle Company,
Buell Company,
Building Relief Association of Jersey City,
Burlington and Bristol Bridge Company,
Burlington Knitting Company,
Burnada Company,
Cadillac Grain Company,
Calumet and Western Elevator Company,
Calumet Mining and Milling Graphite Company,

Campbell Mining Company,
Camblos and Company, Builders and Contractors,
Cambridge Society of New Jersey,
Camden Pure Milk Company,
Canton Construction Company,
Cape May Hotel and Pier Company,
Capital Laundry Company,
Capital Lock-Nut and Washer Company,
Carbon Fuel and Light Company
Car Builders Company,
Carlton Clay Company,
Carlton Paper Mills,
Carter Auto Magnetic Ore Separator Company,
Carterville Oil Company,
Cash Buyers Union First National Co-Operative Society,
Cauto Land Company of Cuba,
Cellulose Soap Company,
Cement Waterproofing Company,
Central Hay and Grain Warehouse Company,
Central Porcelain Works,
Centrifugal Separating Company,
Century Auto Power Company,
Century Leather Enameling Company,
Century Roofing and Manufacturing Company,
C. F. Rankin Company,
Challange Belt Company,
Charles H. Fischer Company,
Charles Lombaerde Silk Company,
Charles Wirt and Company,
Chase Manufacturing Company,
Chatauqua Mining Company.
Chesapeake Sand, Gravel and Brick Company,
Chemical Engineer Publishing Company,
Chemical Products Company,
Chenango Dyeing Company,
Chicago and Mobile Securities Company,
Chicago Smoke Consuming Company,
Chemical Specialty Company,
Chichicapa Company,

Chile-North American Trading and Mining Company,
Chippewa Corporation,
Christopher Brick Cleaning Machine Company,
Citizens Transit Company,
City Coal Company,
City Hall Cigar Store,
Clark Engineering Company,
Clark Wireless Development Company,
Clay Products Company,
Cleanshield Corporation,
Cleveland Scranton Oil Company,
Cliffside Land Company,
Clinton Land Company,
Clinton Land and Improvement Company,
C. M. Rodgers Company,
Coahuila and Pacific Railroad Company,
Coast Company,
Coin Handling Machine Company,
Cole Engineering Company,
Coleville and Carpenter Point Turnpike Company,
Colombian Exploration, Mining and Trading Company,
Colonial Paint and Roof Coating Company of Pittsburgh, Pa.
Colonizing Investment Company,
Colorado Blue Ribbon Mineral Springs Water Company,
Columbia Carpet and Rug Company,
Columbia Heating and Roofing Company,
Columbia Kaolin Company,
Columbia Mining Company,
Columbia Zinc and Copper Mining Company,
Columbian Fire Proofing Company,
Columbus Dry Goods Company,
Commercial Co-operative Company,
Commercial Electric Vehicle Company,
Commercial Motor Company,
Commercial Motor Vehicle Company,
Commercial Novelty Company,
Commonwealth Pottery Company,

Compagnie Algerienne,
Composite Copper Goods Company,
Concert Hall Association (Mount Holly, N. J.),
Conchas River Power Company,
Conemaugh Brewing Company,
Consolidated Amusement Company,
Consolidated Concrete Block and Construction Company,
Consolidated Fireproofing Company,
Consolidated Manganese Mining Company,
Consolidated Milk and Cream Company,
Consolidated Railway Electric Lighting and Equipment Company,
Consolidated Water Improvement Company,
Construction and Supply Company of New Jersey,
Construction Company of America,
Construction Publishing Company,
Consumers Coffee Company,
Contee Sand and Gravel Company,
Continental Oil and Gas Company,
Continental Telephone, Telegraph and Cable Company,
Co-operative Pure Food Society,
Co-operative Remedy Company,
Co-operative Securities Company,
Co-operative Stores Company,
Copper Company of Cuba,
Copper Securities Company,
Copper Tempering Company,
Corbett Chair Company,
Corona Compounding Company,
Cosmos Specialty Company,
Costa Construction Company,
Coupon Distributing Company,
Crawford Sanitary Manufacturing Company,
Creole Development Company,
Cronin-Van Brederode Company,
Crouse Construction Company,
Cumberland Coal Company,
Dandy Manufacturing Company,

Daniel Brown Company,
Davenport-Rice Company,
David H. Brand and Company,
David Henderson's Comedians, formerly Garrick Dramatic Company,
David M. Oltarsh Iron Works,
Davis Tailoring Company,
Dawson-Rich Company,
Day Inventions Company,
D. B. Hubbard Company,
Deeks Air Printing Company,
Delphos Construction Company,
de Luce Screen Company,
Democrat Publishing Company,
Dial Voting Machine Company,
Diamond Garment Cutter Company,
Diamond Mirror Company,
Dime Receipt Company,
Dixie Manufacturing Company,
D. M. Koehler and Son Company,
D. Murphy Company,
Doctor Brown Company,
Dr. George Place Clements, Prescription Specialty Company,
Doherty-Helbling Company,
Dolphin Inn Land and Improvement Company,
Dominion Slate Company,
Doric Construction Company,
Dover Land and Driving Park Association,
Downs Fusible Plug Stopper Company,
Dreamland Amusement Company,
Dreamland Park Company,
Dreamland Park Toboggan Company,
Duchess Land Company,
Dundee Coal Company,
Duplex Radiator Company,
Duplex Steel Plate Piling Company,
Duquesne Theatre Company,
Dutch Guiana Leasing Company,
Dutton Engineering Company,

Eagle Powder and Chemical Company,
Eagle Rubber Cement Company,
Eastern and Export Transportation Company,
Eastern Box Board Company,
Eastern Commission and Importing Company,
Eastern Fish Company,
Eastern Stone Company,
East Side Iron Works and Construction Company,
E. B. Jenkins and Company,
E. C. Emerton Fence Manufacturing Company,
Economy Light and Power Company,
Economy Match Company,
Economy Premium Payment Company,
E. D. Hall Company,
Edisto Lumber Company,
Edward F. Gold Mining Company,
E. E. Ashford Company,
Eisenberg, Ross and Company,
Elastic Pulp Plaster Manufacturing Company,
Electrical Specialty Manufacturing Company,
Electricity Newspaper Company,
Electric Contract Company,
Electric Heating and Equipment Company,
Electric Loop Cable Company,
Electric Thermo-Vibra Company,
Elevator Securities Company,
Elizabeth Publishing Company,
Elizabeth Wagon Works,
Elkhorn and Ohio River Construction Company,
Elm City Skating and Ice Company,
El Porvenir Plantation Company,
Empire Asphalt Company,
Empire Bread Company,
Englewood Printing and Publishing Company,
Enoch Manufacturing and Plantation Company,
Enterprise Investment Company,
Enterprise Land and Improvement Company,
Envelope Making and Printing Company,
Equitable Land Company,
Eradeline Manufacturing Company,

Erbe Exploration Company,
E. Reboulin Fils and Company, Incorporated,
Ernst Tool Company,
Essex Contract and Construction Company,
Essex Electrical Company,
Essex Improvement Company,
Essex Light and Equipment Company,
Essex Private Hospital Association,
Essex Silk Manufacturing Company,
Essington Rotary Steam Expansion Engine Company,
Estate Holding and Improving Company,
E. S. Waters and Company,
Eureka Bottle Company,
Eureka Specialty and Safe Company,
Excelsior Yacht, Launch and Engine Company,
Factory Shoe Company,
Fairview Slate Corporation,
Farinholt-Gardiner Company,
Fashion Cloak and Suit Company,
Favorite Pan and Utensil Company,
F. B. Fasola Company,
F. B. L. Jones Company,
F. D. Stephens Company,
Feather River Exploration Company,
Federal Cartridge Company,
Federal Concrete Steel Company,
Federal Hill Granite Company,
Federal Laundry Company,
Federal Mica Company,
Federated Mines and Milling Company,
Fenning Chemical Company,
Ferguson-Killion Company,
Feval Leather Company,
F. H. Fitts Company,
Finson Light and X-Ray Institute,
Fischer Motor Vehicle Company,
Fitzpatrick Glass Manufacturing Company,
F. Korff and Company,
Fletcher Watch and Jewelry Company,
F. L. Johnson Company,

Florence Shirt and Waist Manufacturing Company,
Florence Silk Manufacturing Company,
Folding Cabinet Company,
Forbes-Richman Company,
Ford Kerosene Engine Manufacturing Company,
Foreign Securities Company,
Fore River Ship and Engine Company,
Forest Hill Mining Company,
Forster-Tichlofen Incandescent Electric Lamp Company,
Fort Scott Water Supply Company,
Fort Wayne-Indianapolis Construction Company,
Foster-Debevoise Company,
Foye Hub-Motor and Automobile Company,
Fowne Drug Company,
Francke Engineering Company,
Franco-American Patent Can Opening Company,
Franklin Commercial Company,
Franklin Lumber Company,
French Window Glass Company,
Fridstein Construction Company,
Fruit Importing Company,
Fuel Economizer Company of America,
Fulton Contracting Company,
Galilee Company,
Garfield Chrome Tanning Company,
Garfield Firemen's Improvement Company,
Garfield Handkerchief Company,
Garfield Woolen Company,
Garrison Construction Company,
Gelatinized Oil Manufacturing Company,
Gem Bottling Company,
General Electric Signal Manufacturing Company,
General Engine Company,
General Equipment and Construction Company,
General Improvement and Supply Company,
General Iron Company,
General Merchandise Company,
General Pneumatic Transit Company,
Geo. G. Fuessel's Sons Company,

George B. Marx Manufacturing Company,
George C. Richardson Company,
German Arch-Stone Brick Company,
Girard Coal Company,
Glass and Meyer Company,
Glenn Wall Paper Company,
Glenside Water Company,
Glenwood Park Association of New Jersey,
Globe Steamship Company,
Golden Gate Mining Company,
Golden Seal Remedy Company,
Good Family Company,
Goodman-Peiffer Hat Company,
Goose Grease Liniment Company,
Grand Rapids Water Supply Company,
Grange Letter File and Desk Company,
Granger Invisible Hook and Eye Company,
Grap Keg Refrigerating Company,
Gray Manufacturing Company,
Greacen-Derby Engineering Company,
Greater Newark Development Company,
Greater New York Combustion Company,
Great Notch Water Company,
Great Western Wholesale Drug, Milling and Chemical Manufacturing Company,
Green Compressed Air Company,
Greene Supply Company,
Greenhouse Company,
Greer and Hutton Company,
Guatemala Traction Company,
Guarantee Finance Company,
Guarantee Sanitary Plumbing, Gas, Steam Fitting and Roofing Company,
Guaranty Home Corporation,
Guardian Printing and Publishing Company,
Gynecic Pharmeceutical Company,
Gypsinite Company,
Haddon Heights Land Company,
Hall and Grant Construction Company,
Hamilton County Construction Company,

Hamilton Ewing Engine Company,
Hamilton Trunk Company,
Hamilton Village Ice Manufacturing Company,
Hamm Oil and Lubricating Company,
Hammonton Cut Glass Company,
Harker Wire-Covering Company,
Harpophone Manufacturing Company,
Harris Kilpatrick Brass Company,
Harris Palatial Car Company,
Harrison Livery and Boarding Stables,
Harvard Society of America,
Harvey Osborn Silver Company,
Hastings Manufacturing Company,
Hayden Manufacturing Company,
Hays Skirt Binding Company,
Head-Water Gold Mining and Milling Company,
Heliotype Company,
Henry A. Budney Company,
Henry B. King Company,
Herald of Light Publishing Company,
Herbert A. Weeks Company,
Hewitt Bag and Paper Company,
Higel and Freund Roofing Company,
Hilbert Mercantile Company,
Hildreth Infallible Remedy Company,
Hillview Cemetery Company,
Hindoo Paid Destroyer Medicine Company,
Hinz Rice Milling Company,
Hirsh and Brother,
H. Loridan-Bogart Lace Paper Manufacturing Company,
H. M. Crowell Manufacturing Company,
Holbrook and Thompson Roofing Company,
Holly Beach Leather Company,
Holton and Collins Company,
Home Adorning and Specialty Company,
Home and Investment Building Company,
Home Building and Realty Company,
Home Construction and Security Company,
Home Credit Company,

Home Medical Aid and Burial Company,
Home Method Advertising Company,
Home Raising Company,
Homestead Land Company,
Honduras Development Company,
Hotel and Commercial News,
Howard Manufacturing Company,
Hub Motor Company,
Hudson Company,
Hudson Commercial Company,
Hudson Securities Company,
Hudson Supply Company,
Hughes Smoke Consumer Company,
Hughs-Hatch Coal Company,
Hunter Show Case Company,
Hurby-Halbach Silk Company,
Hydra Machine Company,
Hydro-Carbon Coating Company of New Jersey,
Hydro Carbon Heating and Furnace Company,
Hydrotherm Electrical Company,
Hygiene and Lake Ice Company,
Hyne Motor Company,
I. A. Lee Company,
Idaho Consolidated Little Giant Mining Company,
Ideal Button Manufacturing Company,
Ideal Pigeon and Poultry Supply Company,
Idylwild Sanatorium Company,
Imperial Manufacturing and Trading Company,
Independent Beef Company,
Independent Ice and Coal Company (No. 2),
Industrial Rubber Manufacturing Company,
Industrial Service and Securities Company of America,
Infallible Coin Testing Company,
Innovation Broom Handle Company,
Inter-City Automobile Speed-Way Company,
Inter-City Realty Company,
International Armored Cement Company,
International Banking, Trust and Guarantee Company,
International Cigar and News Company,
International Dental Publication Company,

International Map Company,
International Patent Company,
International Securities and Investment Company,
International Standard Type Company,
International Stopper Company,
International Trade Coupon Company,
Interstate Clay and Mineral Company,
Interstate Financial Exchange,
Interstate Land and Investment Company,
Interstate Tunnel Railway Company of New Jersey,
Interurban Electric Construction Company,
Inventors and Finance Company,
Iron and Steel Industries Board of Trade,
Italian-American Milling Company,
I. Whilden Moore Glass Manufacturing Company,
James A. Blanchard Company,
James S. Kirk and Company,
James S. Young Company,
Janvier Glass Company,
Jarvis F. Underhill Company,
J. C. Appleby Sand and Clay Company,
Jersey Butter Oil Company,
Jersey Novelty Company,
Jewel Manufacturing Company,
J. H. Allen Shoe Company,
J. H. Williams Manufacturing Company,
John D. Allen Company,
John F. Kelly Engineering Company,
John Gardenier Building Company,
John Marx Paint and Putty Company,
John McBrearty Shoe Company,
John Moses and Sons Company,
John M. Rhodabeck Coal Company,
Johnstin Construction Company,
Joseph Powell Company,
Jos. Wright and Sons Company,
Josephus Plenty Skylight Works,
J. W. Hatt Company,
Kandle Sanitary Head Rest Manufacturing Company,
Kansas City Portland Cement Company,

Keen Talking Machine Company, Incorporated,
Kendrick and Roberts (Incorporated),
Kentucky Coal Fields Company,
Keystone Bread Company,
Keystone Company,
Keystone Distributing Company,
Keystone Graphite Company,
Keystone Knitter and Needle Company,
Keystone Marble Company,
Keystone Printing Machinery Company,
Keystone Sulphur Company,
Keystone Surface and Underground Construction Company,
Kill von Kull Ice Company,
Kinkel and Meinzer Company,
Kingsley Water Tube Boiler Company,
Klein Amusement Company,
Knight Construction Company,
Knickerbocker Lead and Zinc Company,
Knickerbocker Sugar Refining Company,
Knocko Manufacturing Company,
Konradi Company,
Lackawanna Glass Company,
Lackey, Hopkins and Perkins Company,
L. A. Cameron Company,
L. A. Conwell and Company,
Lake and Gulf Mercantile Marine Company,
Lake Hopatcong Transportation Company,
Lakewood Land and Improvement Company of Baltimore,
Languages Printing Company,
Langley-Claxton Manufacturing Company,
Las Pintas Railroad, Mining and Reduction Company,
Lawrence, Cooper and Glaser,
Lawrence Harbor Realty Company,
Leader Machine Company,
Lehigh Iron and Steel Company,
Lehigh-Northampton Gas and Electric Company,
Lemaire Leather Company,
Lenhart and Ingersoll Manufacturing Company,

Lens Company,
Less and Less Company,
Letts Company,
Lewis R. Hammersley Company,
Liberty Mining Company,
Liberty Realty Company,
Liberty Silk Dyeing Company,
Lightning Snow Melter Company,
Lima Oil Company,
Lincoln Chamois and Leather Company,
Lincoln Mining Company (Limited),
Lindabury Medicine Company,
Ling Star Mining Company,
Linol Company,
Little Railway Company,
Lizard Creek Metallic Paint Company,
Lodi Arcanium Association,
Loog Kissam and Company,
Louis Filliger Company,
L. Rich and Son,
Lubricating Metal Company,
Lujanovitz Land Company,
Lungwitz Reduction Company,
Lunn Company,
Lustrous Leather Company,
Luzerne Light, Heat and Power Company,
Lyman G. Mines and Milling Company,
Lyndhurst Company,
Magdalena Gold Mining Company,
Magnus and Williams Company,
Manmouth Chestnut Company,
Manhattan Beach Company,
Manhattan Motor and Launch Company,
Manor Mining and Manufacturing Company,
Manufacturers' Commercial Company,
Manufacturers' Distributing Company,
Mapleton Land Company,
Marble Novelty Company,
Maritime Amusement Company,
Marvin Chemical Company,

Maryland Sand and Gravel Company,
Mary L. Poultry Plant Company,
Mashipacong Club,
Mathews Consolidated Slate Company,
Maxson Printing Press Company,
Mayhew Silk Manufacturing Company,
McGawley Construction Company,
McGovern Construction Company,
McGovern Manufacturing Company,
McLean Balanced Draft Engineering Company,
McLewee Gas Lamp Manufacturing Company .of Trenton,
Meinecke Cork Company,
Mercer Building Company,
Mercer Improvement Company,
Merchants Carrier Company,
Merchants Delivery Company,
Merchants and Miners Telephone and Telegraph Company,
Metal Re-carburizing Company,
Meteor Silk Company,
Metropolitan Land Company,
Metropolitan Sugar Refining Company,
Midway Investment Company,
Michel Hot Roast Beef Sandwich Company,
Michigan Cracker Company,
Michigan Lumber and Fibre Company,
Michoacan Coal Company,
Milford Pink Granite Quarries,
Millsaps Manufacturing Company,
Millville Brick Manufacturing Company,
Millville Filtration Sand and Brick Company,
Millville Granite Brick Company,
Mines Exploration Company,
Miracle-Union Cement Stone Company,
Modern Furniture Company,
Modern Manufacturing Company,
Monarch Building Company,
Monroe Construction Company,
Montecute Packing Company,

Monterey Coal Company of Tennessee,
Montezuma Mining and Roasting Company,
Morelia and Tacambaro Railway Company,
Morningside Land Company,
Morris International Patent Company,
Morristown Public Amusement Association,
Motor Construction Company,
Moto Tractor Company of America,
Moufang Chemical Company,
Mowry Mines Company,
M. T. B. Washington Manufacturing Company,
Multi-Phonograph Operating Company,
Municipal Guaranty Company,
Munn Price Company,
Murray Hill Park Company,
Murray Isle Hotel Company,
Mutual Match Company,
Mutual Protective Association of Newark,
Mutual Slate Company,
Mutual Treasure Company,
Myers Excursion and Transportation Company,
Mystic Print and Dye Works (Incorporated),
National Air Brake Company,
National Bi-Metals Company,
National Bond Company,
National Coal and Coke Company,
National Concrete Company,
National Concrete Stone Company,
National Export and Commission Company,
National Extractor Company,
National Fruit Jar Company,
National Graphite Company, formerly National Mining Company,
National Harrow Company,
National Ice Cartridge and Novelty Company,
National Macaroni Company,
National Marble Company,
National Masonic Publishing Company,
National Nailless Horse-Shoe Company,
National Pharmacal Association,

National Pop Corn Company,
National Pressed Steel Company,
National Pyrogranite Company,
National Roller Company,
National Sterlized Cereal Company,
National Vise and Tool Works,
Nature and Method Publishing Company,
Neal Cattle Company,
Newark Cigar and Tobacco Company,
Newark Dispatch Publishing Company,
Newark Lace Curtain Works and Syndicate of Manufacturers,
Newark Pharmacal Company,
Newark Specialty and Supply Company,
Newark Stock Exchange,
Newark Wood and Ladder Company,
New Brunswick Publishing Company,
New England, New York and Southern Transportation Company,
New Era Ice Company,
New Erie Coal Company,
New Gretna Town Hall Company,
New Jersey Artificial Stone Company,
New Jersey Beck Electric Lighting Company,
New Jersey Building Block and Construction Company,
New Jersey Cap Works,
New Jersey Engineering and Contracting Company,
New Jersey Farmers Exchange,
New Jersey Iron and Steel Corporation,
New Jersey Paper Box Company,
New Jersey Pharmaceutical Company,
New Jersey Quarry Company,
New Jersey Sanitary Street Sweeper Company,
New Jersey Securities Company,
New Jersey Silk Mills,
New Jersey Stone Company,
New Jersey White Lead Company,
New Philadelphia Graphite Company,
New Process Dyeing and Finishing Company,

New River Coal and Coke Company,
Newsboys Company (Incorporated),
New York Cement Stone Company,
New York City Institute of Osteopathy,
New York Humane Bridle Company,
New York, London and Manchester Venture Corporation,
New York Real Estate Improvement and Investment Company,
New York Theatrical Costume Company,
New York Trading Company,
Nicholson Company,
Noiseless Car Wheel Company,
Normandie Beach Hotel Company,
North American Investment Company,
North American Meat Company,
North Carolina Land and Lumber Company,
North Carolina Stave Company,
North Jersey Stamping Company,
Northern Valley Printing and Publishing Company,
Norton Electrical Manufacturing Company,
Nottingham Lace Curtain Works,
Novelty Leather Company,
Noxal Polish Company,
Nymo Land and Mining Company,
Ocean Avenue Realty Company,
Ocean City Development Company,
Ocean Crest Hotel Company,
Ode Chemical Company,
Ohio Gas and Oil Company,
Ohio and Indiana Consolidated Natural and Illuminatinating Gas Company,
Ohl Automatic Machine Company,
Okanagan Construction Company,
O. K. Brewing Company,
Old Dominion Brewing and Ice Company,
Omega Commercial Company,
Opp Consolidated Mines,
Orange Housefurnishing Company,
Oriental Building and Construction Company,

Ost Patent Pneumatic Horse Collar Company,
Oxford College,
Oxyoline Curative Company,
Palisade Lumber and Supply Company,
Panther Hill Granite Quarry Company,
Panuco Plantation Company,
Park Amusement Construction Company,
Parral Corporation,
Parroe Chemical Engineering Company,
Passaic Brick Company,
Passaic County Building and Construction Company,
Paterson Real Estate Improvement Company,
Paterson Theatre Company,
Paterson Union Printing and Publishing Company,
Peabody Extracting Company,
Peerless Finishing Company,
Pelletier Dry Goods Company,
Pennington Boiler and Foundry Company,
Penn Printing Ink Company,
Penn Quarry Company,
Penn Supply Company,
Pennsylvania Laundry Company,
Pennsylvania Light Supply Company,
Pennsylvania Metallic Packing Company,
People's Investment Company,
Peoples Realty and Finance Company,
Perco Realty and Finance Company,
Perco Regulator Company of New Jersey,
Perfect Combustion Company,
Perfection Blind and Lock Stitch Sewing Machine Company,
Perfection Throwing Company,
Perfection Wire Goods Company,
Perforated Music Roll Company,
Pergolmyn Paper Company,
Perth Amboy Amusement Company,
Perth Amboy Consumers Brewing Company,
Phenic Oil Company,
Philadelphia Brewery Appliance Company,
Philadelphia Brotherhood Association,

Philadelphia Construction Company,
Philadelphia Dental Company,
Philadelphia Elevator Company,
Philadelphia Novelty Manufacturing Company,
Philadelphia Oil Cloth and Linoleum Company,
Philadelphia Pneumatic Tool Company of Pennsylvania,
Philips and Price Engineering Company,
Phillips Manor Company,
Phoenix Contracting and Construction Company,
Pierson Chemical Company,
Pittsburg Co-operative Store,
Pittsburg Glass Monument and Novelty Company,
Pittsburg Insect Exterminating Company,
Pittsburg-Montana Development Company,
Pittsburg and Ohio Oil and Gas Company,
Pittsburg Plate Ice Company,
Pittsburg Trotting Association,
Pittsburgh Consolidated Manufacturing Company,
Pittsburgh Hotel Supply Company,
Pittsburgh Pulley Company,
Plainfield Cigar Company,
Pontiac and Kentucky River Oil Company,
Porcelain Electrical Manufacturing Company,
Portable Electric Power and Light Company,
Powell Process Company,
Prescott Automobile Manufacturing Company,
Prescott Manufacturing Company,
Press Equipment Company,
Prevento Company,
Price Printing House,
Pridham Electric Water Purifying and Sterlizing Company,
Primo Smokeless Gunpowder Company,
Provident Underwriters Company,
P. S. Van Kirk Company,
Puerto Principe Tramway Company,
Purchaser's Benefit Association of New York,
Puro Manufacturing Company,
Purssell Company,

Quaker City Laundry Company,
Quaker City Pottery Company,
Quakertown Granite Company,
Quatrell Manufacturing Company,
Quintana Roo Development Company,
Radio Incandescent Burner Company,
Railway Safety Signal Company,
Rapid File Company,
Rapid Safety Gas Burner Company,
Raritan Paint Mill,
Raystone Jewell Company,
R. D. Lane Packing Company,
Reading Cement Company,
Real Estate and Warehouse Company,
Record Publishing and Advertising Company,
Red Bank Carriage Company,
Red Cross Medical and Burial Association,
Reed-Lilliendahl Medical Supplies Company,
Reid and Albert's Company,
Reliable Smokeless Powder Company,
Reliance Telephone and Telegraph Company,
Reo Automobile Company,
Reverberatory Burner Company,
Rex Fire Apparatus Company,
Rhoades Consolidated Mines Company of Mexico,
R. H. Smith and Company,
Rice Paper Company,
Richter Electric Company,
Ridgefield Poultry Company,
Ridner and Spangler Company,
Rio Finance Company,
Ritter and Halstead Advertising Company of New Jersey,
Riverview Amusement Company,
Robert Emmet Company,
Rockstroh Manufacturing Company,
Rogers and Company,
Rogers Construction Company,
Romberger Nut Lock Company,
Russel Gardner and Cable,

Ryder Wire and Fibre Manufacturing Company,
Safety Grille Paving Company,
Safety Lace Shoe and Manufacturing Company,
Safety Whiffletree and Manufacturing Company,
St. Lawrence Construction Company (No. 2),
St. Lawrence Copper Company,
St. Louis Chemical Company,
Salem and Philadelphia Navigation Company,
Salida Plantation Company,
Salmon Heater and Manufacturing Company,
Samuel A. Loper Company,
San Domingo Improvement Company of New York,
Sanitary Dust Pan Company,
Sanitary Plumbing Company,
San Juan, Limited,
Saramaca Company,
Satterlee and Gore Manufacturing Company,
Savage Concrete and Construction Company,
Savana and Eastern Cuba Railway Company,
Scalpino Specialty Company,
Scarborough Company,
Scarborough Hotel Company,
Scheuers Perpetual Advertiser Company,
Schrader-Wittstein Manufacturing Company,
Schramm-Gardner Company,
Schrimpf and Theiss Manufacturing Company,
Seacoast Electric and Manufacturing Company,
Sea Girt Farm,
Seashore Bottling Company,
Seashore Hotel Company,
Seashore Ice Manufacturing and Cold Storage Company,
Sessions Lumber and Supply Company,
Severn River Glass Sand Company,
Seward Peninsula Railroad Company,
Shanklin Contracting Company,
Sharer Dryer and Kiln Company,
Sharkey and Company,
Shaw Engineering and Manufacturing Company,
Shea and Burke Company,

Shenandoah Mining Company,
Shepherd Engineering Company,
Sherman Dry Dock and Lumber Company,
Shumway Machine Company,
Silk City Soap Works,
Silk Dyeing and Renovating Company,
Simplex Selling Company,
Simpson Manufacturing Company,
Smith and Turner Company,
Solicitors Company,
Soule-Bechtold Manufacturing Company,
Soulwinners' Guild,
Southern Contract Company,
Southern Fertilizer and Chemical Company,
Southern Pulp and Lumber Company,
South American Development Company,
South Jersey Mobile Transit Company,
South Orange Motor Car Company,
South Park Cranberry Company,
Sparta Fruit Company,
Spencer Paint, Polish and Lubricant Company,
Spencer Woolen Manufacturing Company,
S. Perkins McCune Company,
Sperry and Hutchinson Company,
Spillman Ellis Tobacco Company,
Standard Amusement and Manufacturing Company,
Standard Beet Sugar Company,
Standard Bitulithic Company,
Standard Cement Company,
Standard Fire Extinguishing Company,
Standard Flint and Spar Company,
Standard Gasket Company,
Standard Malt and Hop Brewing Company,
Standard Metals Company,
Standard Milk and Cream Company,
Standard Nut and Bolt Company
Standard Optical Company,
Standard Outfitting Company,
Standard Stone Company of Pittsburg,
Standard Storage Battery Company,

Staniar and Laffey Wire Company,
Stanton Manufacturing Company,
Staples Printing Company,
Stark Manufacturing Company,
Staten Island Supply Company,
State Sand Company,
States Avenue Land Company,
Stationery Engineer Publishing Company,
Steel Machine Company,
Sterling Hotel Company,
Straight Line Regulator Company,
Strong and Trowbridge Company,
Summit Lake Ice Company of New Jersey,
Sun Realty Company,
Syndicate Dredging Company,
Sypher and Company,
Tacony Laundry Company,
T. C. McElroy Company,
Telephone, Telegraph and Cable Company of America,
Texas Railroad and Coal Company,
Texas Railroad Financing Company,
Thomas A. Fountain Broom Company,
Thomas Chemical Company,
Thomas Hoey Supply and Manufacturing Company,
Three B Duster Company,
Tide Water Trap Rock Company,
Tonopah Electrolytic Gold and Silver Reduction Company,
Tonopah Liberty Mining Company,
Trade Unions Protective Association,
Trenton Emergency Hospital Association,
Trenton Hardware Manufacturing Company,
Trenton Lamp and Manufacturing Company,
Trenton Mills and Elevator Company,
Trenton Turkish and Russian Bath Company,
Tripler Liquid Air Company of New York,
Tropical Fruit and Land Company,
Troy Provision Company,
T. T. Lovelace Company,
Turbine Locomotive and Car Company,

Turner Sanitary Appliance Company,
Twentieth Century Iron Hydrant and Wash Pave Company,
Union Copper Mining Company,
Union Fibre Company,
Union Heat Improvement Company,
Union Legal Service Company,
Union Realty Company (No. 3),
Union Soap Company,
Union Transit Company,
Unique Building Association,
United Farms,
United Lumber and Storage Company,
United Marine Supply Company,
United Motor and Vehicle Company,
United Motor Car Company, formerly Martin and Hart Motor Company,
United States Charcoal Iron Company,
United States Coaster Construction Company,
United States Dash and Fender Company,
United States Foundry and Sales Company,
United States Gas, Coal and Coke Company,
United States Electric Porcelain Company,
U. S. Inspection Company,
United States Light and Heating Company,
United States Pay Station Company,
United States Peat Fuel Company,
United States Portable Electric Light and Power Company,
United States Sanitarium Company,
United States Sanitary and Utility Sewage Disposal Company,
United States Security Company,
United States Shipbuilding Company,
United States and Venezuela Company,
United Sulphur, Copper and Iron Company,
United Tobacco Company,
United Water Improvement Company,
Universal Exchange System,
Universal Export Drug Company,

Universal Fireproof Construction Company,
Universal Incorporating Company,
Universal Pasting Machine Company,
Urban Waste Disposal Company,
Ursina Coal Mining Company,
Valenciana Mining Company,
Valentine Gas Engine Company,
Vario-Tint Printing Process Company,
Ventnor Brick Corporation,
Ventnor Dredging Company of Atlantic City, New Jersey,
Vermont Mining and Milling Company,
Vim Metal Company,
Vincent Parke Company,
Virginia-Pittsburg Soapstone Company,
Vulcan Combustion Company,
Wabash Gas Company,
Waite and Son Company,
W. A. Levering Company,
Walrine Wheel Company,
Walsh Broom Company,
Walsh Manufacturing and Construction Company,
Walter Fletcher Company,
Walthung Silk Dyeing Company,
Warnich Company,
Washburn Brothers Company,
Washington Manufacturing Company of Washington, N. J.,
Washington Mills Textile Company,
Washington Standard Milling Company,
Waterproof French Window Company,
Wattles Gas Engine Company,
Weehawken Coal Company,
Weeks and Johnston Company,
Weequahic Park Building and Construction Company
Welch's Medical Company,
Westboro Carpet Company,
West Brothers Wagon Works,
Westchester Ribbon Company,

West End Improvement Company of Rutherford New Jersey,
Western Box Board Company,
Western Water and Electric Company,
West Jersey Poultry Company,
Webendorfer Machine Company,
Wewanapee Lake Association,
W. F. Yarlett Company,
W. G. Motley and Company (Incorporated)
Wheeler-Simmons Mercantile Company,
W. H. Hawk Company,
Whipple Gulch Mining and Milling Company,
W. H. Sills Company,
White Clover Poultry Company,
White Cross Hospital,
White Lake Lime and Ice Company,
White Star Laundry Company,
Wilcox and Gibbs Guano Company,
Wilkin's Coal, Iron and Lumber Company,
William D. Gilman Company,
William M. Fort Material Purchasing and Building Company,
William Savacool Company,
Williams Confectionery Company,
William S. Haines Company,
Will J. Block Amusement Company,
Wilmore Computing Scale Company,
Wilson Auto Clock Company (Incorporated),
W. J. Lynch and Company,
Wolff's Music House,
Wonderful Burner Company,
Wonder Herb Medicine Company,
Wonderland Park Amusement Company,
Wonder Manufacturing Company,
Woodside Japanning Company,
Woodville Railroad Company,
Woolen Machinery Works,
World Manufacturing Company,
Worthington and Company,
Wrighter Manufacturing Company,

Wrigley Combustion Company,
Wyand Turbine Engine Company,
Wynne Prince and Company,
Wyoming Gas and Electric Company,
Yanticaw Light, Heat and Power Company,
Yates and Porterfield Trading Company,
York Manufacturing and Storage Company,
York Steel and Foundry Company,
Young's Amusement Company,
Young's Pier Miniature Railway Company,
are repealed, and all powers conferred by law upon such corporations, and each of them, are hereby declared inoperative and void.

In witness whereof, I have hereunto set my hand and caused the great seal of the State to be affixed, at Trenton, this fifth day of January, one thousand nine hundred and nine.

By the Governor:

[GREAT SEAL.] JOHN FRANKLIN FORT.

S. D. DICKINSON,
Secretary of State,

Filed January 5th, 1909.

S. D. DICKINSON,
Secretary of State.

A PROCLAMATION.

On the twelfth day of February next will occur the One Hundredth Anniversary of the birth of Abraham Lincoln.

By the law of our State his birthday has been made an annual legal holiday; but, the coming anniversary of his birth demands more than the customary observance.

Born in obscurity, when the place of his birth and early manhood, that is now a part of the great middle west, was on the frontier of the Republic; and reared amidst privations and hardships, with few, if any, of the advantages now obtainable by the youth of our day; he surmounted all difficulties and rose by sheer personal merit to the Presidency of the Republic, and died a martyr's death when but fifty-six years of age.

He stood for freedom and the equality of man. He exemplified the pure in personal, domestic and public life. He, as few others ever did, had the confidence of the people. He sprang from them, was of them, and they loved and honored him.

His life and work are unique in American history. To recall his humble birth, his privations, sacrifices, virtues, utterances, principles and public services, is to encourage youth, strengthen the cause of truth and right in all men, and to elevate our standards of political honesty.

Therefore, I, John Franklin Fort, Governor of the State of New Jersey, do hereby call upon all municipalities in the State, all public organizations, clubs, Posts of the Grand Army of the Republic, public schools, and all civic societies, to cause suitable exercises to be arranged for on said twelfth day of February next, or near thereto, that the memory of this great American may be suitable commemorated;

And I do further recommend that the clergy of the State shall, either upon the Sabbath preceding or succeeding the anniversary of his birth, devote one service in their respective places of worship to appropriate exercises.

Given under my hand and seal, at the Executive Chamber, in the city of Trenton, this eighteenth day of January, in the year of our Lord, one thousand nine hundred and nine, and of the Independence of the United States the one hundred and thirty-third.

(Seal) JOHN FRANKLIN FORT.

By the Governor:

S. D. DICKINSON,

Secretary of State,

ENDORSED:

Filed January 18, 1909.

S. D. DICKINSON,

Secretary of State.

PROCLAMATION.

WHEREAS, On the Fifth day of January, A. D. One thousand nine hundred and nine, under an Act to repeal the charters of all corporations that have heretofore failed to pay State taxes imposed on them by law, approved February 19, 1901, I did issue my Proclamation on that date that the charters of certain corporations reported to me by the Comptroller as in default in the payment of taxes imposed on them by law, were repealed and declared null and void, and

WHEREAS, It is established to my satisfaction that the Atlantic Realty Company, one of the corporations named in said Proclamation did not refuse or neglect to pay said tax within two consecutive years after the date of the levy thereof,

Now therefore, in pursuance of Section six of an Act of the Legislature of this State, entitled "A Further Supplement to an Act entitled 'An Act to provide for the imposition of State taxes upon certain cor-

porations and for the collection thereof,' approved April 18, 1884, which Supplement was approved June 3, 1905,

I, John Franklin Fort, Governor of the State of New Jersey, do hereby correct the mistake of including the said Atlantic Realty Company in said Proclamation, and do make the same known in this my Proclamation, to be filed in the office of the Secretary of State.

In Witness Whereof, I have hereunto set my hand and caused the Great Seal of the State of New Jersey to be hereunto affixed this Sixth day of February, A. D. One thousand nine hundred and nine.

(Seal) JOHN FRANKLIN FORT.

By the Governor:

S. D. DICKINSON,

Secretary of State,

ENDORSED:

Filed February 6, 1909.

S. D. DICKINSON,

Secretary of State.

PROCLAMATION.

WHEREAS, It has been satisfactorily made to appear that, in the list of New Jersey corporations reported to the Governor of said State on the first Monday in January, one thousand, nine hundred and nine, was inadvertantly included the corporation known as the Telephone, Telegraph and Cable Company of America, as one of such corporations which had, for two consecutive years, neglected and refused to pay State taxes, which had been assessed against them for the year nineteen hundred and six, under the laws of said State of New Jersey, and made payable into the State Treasury; and

WHEREAS, It appears that the said Telephone, Telegraph and Cable Company of America is insolvent,

and in the hands of Receivers appointed by the Court of Chancery of this State, and that the said corporation, by its proper officers, was unable to pay the said taxes, by reason of the Receivership, and that the Receiver was unable to pay the same said taxes without an order of the Court of Chancery, which order had purposely been withheld at this time, and that this said corporation was included in the Proclamation of the Governor of said State, bearing date the fifth day of January, one thousand nine hundred and nine, through inadvertance, for the reasons aforesaid;

Now, therefore, I, John Franklin Fort, Governor of the State of New Jersey, do hereby issue this, my Proclamation revoking so much of said Proclamation of the fifth day of January, one thousand, nine hundred and nine, above referred to, as refers to, applies to or affects said corporation, named therein as the Telephone, Telegraph and Cable Company of America, and the said last named corporation is hereby declared to be in full possession of all its corporate rights, powers and franchises, with the same force and effect as if said Proclamation had not been made;

And I further direct that this Proclamation be filed in the office of the Secretary of State of the State of New Jersey.

In witness whereof, I have hereunto set my hand and caused the Great Seal of the State of New Jersey to be hereunto affixed, this sixteenth day of February, one thousand nine hundred and nine.

JOHN FRANKLIN FORT,
(Seal) Governor.

S. D. DICKINSON,
Secretary of State,

Approved Edmund Wilson,
Attorney-General.

ENDORSED:

Filed February 16, 1909.

S. D. DICKINSON,
Secretary of State.

DECREES OF DISSOLUTION.

(595)

Decrees of Dissolution.

IN CHANCERY OF NEW JERSEY.

In pursuance of Chapter 185 of the Laws of 1896, copies of decrees of dissolution of the charters of the following corporations have been filed in the office of the Secretary of State.

NAME.	FILED.
Pomeroy Brothers Company.	August 29, 1908
The Hughson and Burchett Company.	August 29, 1908
True American Publishing Company.	Dec. 22, 1908
Pope Manufacturing Company.	December 30, 1908
A. A. Griffing Iron Company.	February 15, 1909
Pope Motor Car Company.	April 22, 1909

STANDARDS OF PURITY OF FOODS.

(599)

Standards of Purity of Foods.

To Hon. Samuel D. Dickinson, Secretary of State of New Jersey:

I, Bruce S. Keator, Secretary of the Board of Health of the State of New Jersey, do hereby certify that at a regular meeting of said Board, held at the State House in Trenton, on the thirtieth day of March, A.D., nineteen hundred and nine, a resolution of which the annexed is a true and correct copy, was duly adopted by said Board pursuant to the provisions of section twenty-eight of an act entitled, "An act to secure the purity of foods, beverages, confectionery, condiments, drugs and medicines, and to prevent deception in the distribution and sales thereof, (Revision of 1907)," approved May twentieth, nineteen hundred and seven.

IN WITNESS WHEREOF, I have hereunto set my hand and the seal of said Board, this twenty-sixth day of April, A.D., nineteen hundred and nine.

Signed,

BRUCE S. KEATOR,

[SEAL] *Secretary.*

WHEREAS, Section twenty-eight of an act entitled "An Act to secure the purity of foods, beverages, confectionery, condiments, drugs and medicines, and to prevent deception in the distribution and sales thereof (Revision of 1907)," approved May 20, 1907, confers upon the State Board of Health power to adopt such standards of purity, quality and strength of foods, the standard for which is not fixed by any law of this State, as have been or may be established and published by the Secretary of the Department of Agriculture of the United States of America; and

WHEREAS, The Secretary of the Department of Agriculture of the United States of America has established and published certain standards for foods, which standards are contained in Circular 19, Office of the Secretary, United States Department of Agriculture; therefore be it

RESOLVED, That the following standards of purity, quality and strength of foods, having been established and published by the Secretary of the Department of Agriculture of the United States of America, are hereby adopted by the State Board of Health of New Jersey in accordance with the provisions of Section twenty-eight of an act entitled "An Act to secure

the purity of foods, beverages, confectionery, condiments, drugs and medicines, and to prevent deception in the distribution and sales thereof (Revision of 1907)" approved May 20, 1907, at a regular meeting of said board held Tuesday March 30, 1909.

Food Standards.

ANIMAL PRODUCTS.

MEATS AND THE PRINCIPAL MEAT PRODUCTS.

MEATS.

1. *Meat, flesh,* is any clean, sound, dressed, and properly prepared edible part of animals in good health at the time of slaughter, and if it bears a name descriptive of its kind, composition, or origin, it corresponds thereto. The term "animals," as herein used, includes not only mammals, but fish, fowl, crustaceans, mollusks, and all other animals used as food.

2. *Fresh meat* is meat from animals recently slaughtered and properly cooled until delivered to the consumer.

3. *Cold storage meat* is meat from animals recently slaughtered and preserved by refrigeration until delivered to the consumer.

4. *Salted, pickled,* and *smoked meats* are unmixed meats preserved by salt, sugar, vinegar, spices, or smoke, singly or in combination, whether in bulk or in suitable containers.

Suitable containers for keeping moist food products such as sirups, honey, condensed milk, soups, meat extracts, meats, manufactured meats, and undried fruits and vegetables and wrappers in contact with food products, contain on their surfaces, in contact with the food product, no lead, antimony, arsenic, zinc or copper or any compounds thereof or any other poisonous or injurious substance. If the containers are made of tin plate they are outside-soldered and the plate in no place contains less than one hundred and thirteen (113) milligrams of tin on a piece five (5) centimeters square or one and eight-tenths (1.8) grains on a piece two (2) inches square.

The inner coating of the containers is free from pin holes, blisters, and cracks.

If the tin plate is lacquered, the lacquer completely covers the tinned surface within the container and yields to the contents of the container no lead, antimony, arsenic, zinc or copper or any compounds thereof, or any other poisonous or injurious substance.

MANUFACTURED MEATS.

1. *Manufactured meats* are meats not included in paragraphs 2, 3, and 4, whether simple or mixed, whole or comminuted, in bulk or in suitable containers, with or without the addition of salt, sugar, vinegar, spices, smoke, oils, or rendered fat. If they bear names descriptive of kind, composition, or origin, they correspond thereto and when bearing such descriptive names,

if force or flavoring meats are used, the kind and quantity thereof are made known.

LARD.

1. *Lard* is the rendered fresh fat from hogs in good health at the time of slaughter, is clean, free from rancidity, and contains, necessarily incorporate in the process of rendering, not more than one (1) per cent. of substances other than fatty acids and fat.

2. *Leaf lard* is lard rendered at moderately high temperatures from the internal fat of the abdomen of the hog, excluding that adherent to the intestines, and has an iodin number not greater than sixty (60).

3. *Neutral lard* is lard rendered at low temperatures.

Milk and its Products.

MILKS.

1. *Blended milk* is milk modified in its composition so as to have a definite and stated percentage of one or more of its constituents.

2. *Skim milk* is milk from which a part or all of the cream has been removed and contains not less than nine and one-quarter (9.25) per cent. of milk solids.

3. *Pasteurized milk* is milk that has been heated below boiling but sufficiently to kill most of the active organisms present and immediately cooled to 50° Fahr. or lower.

4. *Sterilized milk* is milk that has been heated at the temperature of boiling water or higher for a length of time sufficient to kill all organisms present.

5. *Condensed skim milk* is skim milk from which a considerable portion of water has been evaporated.

6. *Buttermilk* is the product that remains when butter is removed from milk or cream in the process of churning.

7. *Goat's milk, ewe's milk, et cetera*, are the fresh, clean, lacteal secretions, free from colostrum, obtained by the complete milking of healthy animals other than cows, properly fed and kept, and conform in name to the species of animal from which they are obtained.

MILK FAT OR BUTTER FAT.

1. *Milk fat, butter fat*, is the fat of milk and has a Reichert-Meissl number not less than twenty-four (24) and a specific gravity not less than 0.905 $\left(\frac{40° \text{ C.}}{40° \text{ C.}}\right)$

BUTTER.

1. *Butter* is the clean, non-rancid product made by gathering in any manner the fat of fresh or ripened milk or cream into a mass, which also contains a small portion of the other milk constituents, with or without salt, and contains not less than eighty-two and five-tenths (82.5) per cent. of milk fat. By acts of Congress approved August 2, 1886, and May 9, 1902, butter may also contain added coloring matter.

2. *Renovated butter, process butter*, is the product made by melting butter and reworking, without the addition or use of chemicals or any substances except milk, cream, or salt, and contains not more than sixteen (16) per cent. of water and at least eighty-two and five-tenths (82.5) per cent. of milk fat.

CHEESE.

1. *Cheese* is the sound, solid, and ripened product made from milk or cream by coagulating the casein thereof with rennet or lactic acid, with or without the addition of ripening ferments and seasoning, and contains in the water-free substance, not less than fifty (50) per cent. of milk fat. By act of Congress, approved June 6, 1896 cheese may also contain added coloring matter.

2. *Skim milk cheese* is the sound, solid, and ripened product, made from skim milk by coagulating the casein thereof with rennet or lactic acid, with or without the addition of ripening ferments and seasoning.

3. *Goat's milk cheese, ewe's milk cheese, et cetera*, are the sound, ripened products made from the milks of the animals specified, by coagulating the casein thereof with rennet or lactic acid, with or without the addition of ripening ferments and seasoning.

MISCELLANEOUS MILK PRODUCTS.

1. *Whey* is the product remaining after the removal of fat and casein from milk in the process of cheese-making.

2. *Kumiss* is the product made by the alcoholic fermentation of mare's or cow's milk.

VEGETABLE PRODUCTS.

Grain Products.

GRAINS AND MEALS.

1. *Grain* is the fully matured, clean, sound, air-dry seed of wheat, maize, rice, oats, rye, buckwheat, barley, sorghum, millet, or spelt.

2. *Meal* is the clean, sound product made by grinding grain.

3. *Flour* is the fine, clean, sound product made by bolting wheat meal and contains not more than thirteen and one-half (13.5) per cent. of moisture not less than one and twenty-five hundredths (1.25) per cent. of nitrogen, not more than one (1) per cent. of ash, and not more than fifty hundredths (0.50) per cent. of fiber.

4. *Graham flour* is unbolted wheat meal.

5. *Gluten flour* is the clean, sound product made from flour by the removal of starch and contains not less than five and six-tenths (5.6) per cent. of nitrogen and not more than ten (10) per cent. of moisture.

6. *Maize meal, corn meal, Indian corn meal,* is meal made from sound maize grain and contains not more than fourteen (14) per cent. of moisture, not less than one and twelve hundredths (1.12) per cent. of nitrogen, and not more than one and six-tenths (1.6) per cent. of ash.

7. *Rice* is the hulled, or hulled and polished grain of *Oryza sativa.*

8. *Oatmeal* is meal made from hulled oats and contains not more than twelve (12) per cent. of moisture, not more than one and five-tenths (1.5) per cent. of crude fiber, not less than two and twenty-four hundredths (2.24) per cent. of nitrogen, and not more than two and two-tenths (2.2) per cent. of ash.

9. *Rye flour* is the fine, clean, sound product made by bolting rye meal and contains not more than thirteen and one-half (13.5) per cent. of moisture, not less than one and thirty-six hundredths (1.36) per cent. of nitrogen, and not more than one and twenty-five hundredths (1.25) per cent. of ash.

10. *Buckwheat flour* is bolted buckwheat meal and contains not more than twelve (12) per cent. of moisture, not less than one and twenty-eight hundredths (1.28) per cent. of nitrogen, and not more than one and seventy five hundredths (1.75) per cent. of ash.

FRUIT AND VEGETABLES.

FRUIT AND FRUIT PRODUCTS.

(Except fruit juices, fresh, sweet, and fermented, and vinegars.)

1. *Fruits* are the clean, sound, edible, fleshy fructifications of plants, distinguished by their sweet, acid, and ethereal flavors.

2. *Dried fruit* is the clean, sound product made by drying mature, properly prepared, fresh fruit in such a way as to take up no harmful substance, and conforms in name to the fruit used in its preparation; *sun-dried fruit* is dried fruit made by drying without the use of artificial means; *evaporated fruit* is dried fruit made by drying with the use of artificial means.

3. *Evaporated apples* are evaporated fruit made from peeled and cored apples, and contain not more than twenty-seven (27) per cent. of moisture determined by the usual commercial method of drying for four (4) hours at the temperature of boiling water.

4. *Canned fruit* is the sound product made by sterilizing clean, sound, properly matured and prepared fresh fruit, by heating, with or without sugar (sucrose) and spices, and keeping in suitable, clean, hermetically sealed containers and conforms in name to the fruit used in its preparation.

5. *Preserve* is the sound product made from clean, sound, properly matured and prepared fresh fruit and sugar (sucrose) sirup, with or without spices or vinegar, and conforms in name to that of the fruit used, and in its preparation not less than forty-five (45) pounds of fruit are used to each fifty-five (55) pounds of sugar.

6. *Honey preserve* is preserve in which honey is used in place of sugar (sucrose) sirup.

7. *Glucose preserve* is preserve in which a glucose product is used in place of sugar (sucrose) sirup.

8. *Jam, marmalade*, is the sound product made from clean, sound, properly matured and prepared fresh fruit and sugar (sucrose), with or without spices or vinegar, by boiling to a pulpy or semisolid consistence, and conforms in name to the fruit used, and in its preparation not less than forty-five (45) pounds of fruit are used to each fifty-five (55) pounds of sugar.

9. *Glucose jam, glucose marmalade*, is jam in which a glucose product is used in place of sugar (sucrose).

10. *Fruit butter* is the sound product made from fruit juice and clean, sound, properly matured and prepared fruit, evaporated to a semisolid mass of homogeneous consistence, with or without the addition of sugar and spices or vinegar, and conforms in name to the fruit used in its preparation.

11. *Glucose fruit butter* is fruit butter in which a glucose product is used in place of sugar (sucrose).

12. *Jelly* is the sound, semisolid, gelatinous product made by boiling clean, sound, properly matured and prepared fresh fruit with water, concentrating the expressed and strained juice, to which sugar (sucrose) is added, and conforms in name to the fruit used in its preparation.

13. *Glucose jelly* is jelly in which a glucose product is used in place of sugar (sucrose).

VEGETABLES AND VEGETABLE PRODUCTS.

1. *Vegetables* are the succulent, clean, sound, edible parts of herbaceous plants used for culinary purposes.

2. *Dried vegetables* are the clean, sound products made by drying properly matured and prepared vegetables in such a way as to take up no harmful substance, and conform in name to the vegetables used in their preparation; *sun-dried vegetables* are dried vegetables made by drying without the use of artificial means; *evaporated vegetables* are dried vegetables made by drying with the use of artificial means.

3. *Canned vegetables* are sound, properly matured and prepared fresh vegetables, with or without salt, sterilized by heat, with or without previous

cooking in vessels from which they take up no metallic substance, kept in suitable, clean, hermetically sealed containers, are sound and conform in name to the vegetables used in their preparation.

4. *Pickles* are clean, sound, immature cucumbers, properly prepared, without taking up any metallic compound other than salt, and preserved in any kind of vinegar, with or without spices; *pickled onions*, *pickled beets*, *pickled beans*, and other pickled vegetables are vegetables prepared as described above, and conform in name to the vegetables used.

5. *Salt pickles* are clean, sound, immature cucumbers, preserved in a solution of common salt, with or without spices.

6. *Sweet pickles* are pickled cucumbers or other vegetables in the preparation of which sugar (sucrose) is used.

7. *Sauerkraut* is clean, sound, properly prepared cabbage, mixed with salt, and subjected to fermentation.

8. *Catchup* (*ketchup*, *catsup*) is the clean, sound product made from the properly prepared pulp of clean, sound, fresh, ripe tomatoes, with spices and with or without sugar and vinegar; *mushroom catchup*, *walnut catchup*, *et cetera*, are catchups made as above described, and conform in name to the substances used in their preparation.

Sugars and Related Substances.

SUGAR AND SUGAR PRODUCTS.

SUGARS.

1. *Sugar* is the product chemically known as sucrose (saccharose) chiefly obtained from sugar cane, sugar beets, sorghum, maple, and palm.

2. *Granulated*, *loaf*, *cut*, *milled*, and *powdered sugars* are different forms of sugar and contains at least ninety-nine and five-tenths (99.5) per cent. of sucrose.

3. *Maple sugar* is the solid product resulting from the evaporation of maple sap and contains in the water-free substance, not less than sixty-five one-hundredths (0.65) per cent. of maple sugar ash.

4. *Massecuite*, *melada*, *mush sugar*, and *concrete* are products made by evaporating the purified juice of a sugar-producing plant, or a solution of sugar, to a solid or semisolid consistence, and in which the sugar chiefly exists in a crystalline state.

MOLLASSES AND REFINERS' SIRUP.

1. *Molasses* is the product left after separating the sugar from massecuite, melada, mush sugar, or concrete, and contains not more than twenty-five (25) per cent. of water and not more than five (5) per cent. of ash.

2. *Refiners' sirup*, treacle, is the residual liquid product obtained in the process of refining raw sugars and contains not more than twenty-five (25) per cent. of water and not more than eight (8) per cent. of ash.

SIRUPS.

1. *Sirup* is the sound product made by purifying and evaporating the juice of a sugar-producing plant without removing any of the sugar.

2. *Sugar-cane sirup* is sirup made by the evaporation of the juice of the sugar-cane or by the solution of sugar-cane concrete, and contains not more than thirty (30) per cent. of water and not more than two and five-tenths (2.5) per cent. of ash.

3. *Sorghum sirup* is sirup made by the evaporation of sorghum juice or by the solution of sorghum concrete, and contains not more than thirty (30) per cent. of water and not more than two and five-tenths (2.5) per cent. of ash.

4. *Maple sirup* is sirup made by the evaporation of maple sap or by the solution of maple concrete, and contains not more than thirty-two (32) per cent. of water and not less than forty-five hundredths (0.45) per cent. of maple sirup ash.

5. *Sugar sirup* is the product made by dissolving sugar to the consistence of a sirup and contains not more than thirty-five (35) per cent. of water.

GLUCOSE PRODUCTS.

1. *Starch sugar* is the solid product made by hydrolyzing starch or a starch containing substance until the greater part of the starch is converted into dextrose. Starch sugar appears in commerce in two forms, anhydrous starch sugar and hydrous starch sugar. The former, crystallized without water of crystallization, contains not less than ninety-five (95) per cent. of dextrose and not more than eight-tenths (0.8) per cent. of ash. The latter, crystallized with water of crystallization, is of two varieties—70 sugar, also known as brewers' sugar, contains not less than seventy (70) per cent. of dextrose and not more than eight-tenths (0.8) per cent. of ash; 80 sugar, climax or acme sugar, contains not less than eighty (80) per cent. of dextrose and not more than one and one-half (1.5) per cent. of ash.

The ash of all these products consists almost entirely of chlorids and sulphates.

2. *Glucose, mixing glucose, confectioner's glucose*, is a thick, sirupy, colorless product made by incompletely hydrolyzing starch, or a starch-containing substance, and decolorizing and evaporating the product. It varies in density from forty-one (41) to forty-five (45) degrees Baumé at a temperature of 100° Fahr. (37.7° C.), and conforms in density, within these limits to the degree Baumé it is claimed to show, and for a density of forty-one (41) degrees Baumé contains not more than twenty-one (21) per cent. and

for a density of forty-five (45) degrees not more than fourteen (14) per cent. of water. It contains on a basis of forty-one (41) degrees Baumé not more than one (1) per cent. of ash, consisting chiefly of chlorids and sulphates.

CANDY.

1. *Candy* is a product made from a saccharine substance or substances with or without the addition of harmless coloring, flavoring, or filling materials and contains no terra alba, barytes, talc, chrome yellow, or other mineral substances, or poisonous colors or flavors, or other ingredients deleterious or detrimental to health, or any vinous, malt, or spirituous liquor or compound, or narcotic drug.

HONEY.

1. *Honey* is the nectar and saccharine exudations of plants gathered, modified, and stored in the comb by honey bees (*Apis mellifica* and *A. dorsata*); is lævo-rotatory, contains not more than twenty-five (25) per cent. of water, not more than twenty-five hundredths (0.25) per cent. of ash and not more than eight (8) per cent. of sucrose.

2. *Comb honey* is honey contained in the cells of comb.

3. *Extracted honey* is honey which has been separated from the uncrushed comb by centrifugal force or gravity.

4. *Strained honey* is honey removed from the crushed comb by straining or other means.

CONDIMENTS (EXCEPT VINEGAR AND SALT).

SPICES.

1. *Spices* are aromatic vegetable substances used for the seasoning of food and from which no portion of any volatile oil or other flavoring principle has been removed and which are clean, sound, and true to name.

2. *Allspice, pimento,* is the dried fruit of the *Pimenta pimenta* (L.) Karst., and contains not less than eight (8) per cent. of quercitannic acid. (Calculated from the total oxygen absorbed by the aqueous extracts); not more than six (6) per cent. of total ash, not more than five-tenths (0.5) per cent. of ash insoluble in hydrochloric acid, and not more than twenty-five (25) per cent. of crude fiber.

3. *Anise* is the fruit of the *Pimpinella anisum* L.

4. *Bay leaf* is the dried leaf of *Laurus nobilis* L.

5. *Capers* are the flower buds of *Capparis spinosa* L.

6. *Caraway* is the fruit of *Carum carvi* L.

CAYENNE AND RED PEPPERS.

7. *Red pepper* is the red, dried, ripe fruit of any species of *Capsicum*.

8. *Cayenne pepper, cayenne*, is the dried ripe fruit of *Capsicum frutescens* L., *Capsicum baccatum* L., or some other small-fruited species of *Capsicum*, and contains not less than fifteen (15) per cent. of nonvolatile ether extract; not more than six and five-tenths (6.5) per cent. of total ash; not more than five-tenths (0.5) per cent. of ash insoluble in hydrochloric acid; not more than one and five-tenths (1.5) per cent. of starch, and not more than twenty-eight (28) per cent. of crude fiber.

9. *Paprika* is the dried ripe fruit of *Capsicum annuum* L., or some other large-fruited species of *Capsicum*, excluding seeds and stems.

10. *Celery seed* is the dried fruit of *Apium graveolens* L.

11. *Cinnamon* is the dried bark of any species of the genus *Cinnamomum* from which the outer layers may or may not have been removed.

12. *True cinnamon* is the dried inner bark of *Cinnamomum zeylanicum* Breyne.

13. *Cassia* is the dried bark of various species of *Cinnamomum*, other than *Cinnamomum zeylanicum*, from which the outer layers may or may not have been removed.

14. *Cassia buds* are the dried immature fruit of species of *Cinnamomum*.

15. *Ground cinnamon, ground cassia*, is a powder consisting of cinnamon, cassia, or cassia buds, or a mixture of these spices and contains not more than six (6) per cent. of total ash and not more than two (2) per cent. of sand.

16. *Cloves* are the dried flower buds of *Caryophyllus aromaticus* L., which contain not more than five (5) per cent. of clove stems; not less than ten (10) per cent. of volatile ether extract; not less than twelve (12) per cent. of quercitannic acid. (Calculated from the total oxygen absorbed by the aqueous extract); not more than eight (8) per cent. of total ash; not more than five-tenths (0.5) per cent. of ash insoluble in hydrochloric acid, and not more than ten (10) per cent. of crude fiber.

17. *Coriander* is the dried fruit of *Coriandrum sativum* L.

18. *Cumin seed* is the fruit of *Cuminum cyminum* L.

19. *Dill seed* is the fruit of *Anethum graveolens* L.

20. *Fennel* is the fruit of *Foeniculum foeniculum* (L.) Karst.

21. *Ginger* is the washed and dried or decorticated and dried rhizome of *Zinziber zingiber* (L.) Karst., and contains not less than forty-two (42) per cent. of starch; not more than eight (8) per cent. of crude fiber, not more than six (6) per cent. of total ash, not more than one (1) per cent. of lime, and not more than three (3) per cent. of ash insoluble in hydrochloric acid.

22. *Limed ginger, bleached ginger*, is whole ginger coated with carbonate of lime and contains not more than ten (10) per cent. of ash, not more than

four (4) per cent. of carbonate of lime, and conforms in other respects to the standard for ginger.

23. *Horse-radish* is the root of *Roripa armoracia* (L.) Hitchcock, either by itself or ground and mixed with vinegar.

24. *Mace* is the dried arillus of *Myristica fragrans* Houttuyn, and contains not less than twenty (20) nor more than thirty (30) per cent. of nonvolatile ether extract, not more than three (3) per cent. of total ash, and not more than five-tenths (0.5) per cent. of ash insoluble in hydrochloric acid, and not more than ten (10) per cent. of crude fiber.

25. *Macassar mace, Papua mace,* is the dried arillus of *Myristica argentea* Warb.

26. *Bombay mace* is the dried arillus of *Myristica malabarica* Lamarck.

27. *Marjoram* is the leaf, flower and branch of *Majorana majorana* (L.) Karst.

28. *Mustard seed* is the seed of *Sinapis alba* L. (white mustard), *Brassica nigra* (L.) Koch (black mustard), or *Brassica juncea* (L.) Cosson (black or brown mustard).

29. *Ground mustard* is a powder made from mustard seed, with or without the removal of the hulls and a portion of the fixed oil, and contains not more than two and five-tenths (2.5) per cent. of starch and not more than eight (8) per cent. of total ash.

30. *Prepared mustard, German mustard, French mustard, mustard paste,* is a paste composed of a mixture of ground mustard seed or mustard flour with salt, spices and vinegar, and, calculated free from water, fat and salt, contains not more than twenty-four (24) per cent. of carbohydrates, calculated as starch, determined according to the official methods, not more than twelve (12) per cent. of crude fiber nor less than thirty-five (35) per cent. of protein, derived solely from the materials named.

31. *Nutmeg* is the dried seed of the *Myristica fragrans* Houttuyn deprived of its testa, with or without a thin coating of lime, and contains not less than twenty-five (25) per cent. of nonvolatile ether extract, not more than five (5) per cent. of total ash, not more than five-tenths (0.5) per cent. of ash insoluble in hydrochloric acid, and not more than ten (10) per cent. of crude fiber.

32. *Macassar nutmeg, Papua nutmeg, male nutmeg, long nutmeg,* is the dried seed of *Myristica argentea* Warb. deprived of its testa.

PEPPER.

33. *Black pepper* is the dried immature berry of *Piper nigrum* L. and contains not less than six (6) per cent. of nonvolatile ether extract, not less than twenty-five (25) per cent. of starch, not more than seven (7) per cent. of total ash, not more than two (2) per cent. of ash insoluble in hydrochloric acid, and not more than fifteen (15) per cent. of crude fiber. One hundred parts of the nonvolatile ether extract contain not less than three and one-quarter (3.25) parts of nitrogen. *Ground black pepper* is the product mad

by grinding the entire berry and contains the several parts of the berry in their normal proportions.

34. *Long pepper* is the dried fruit of *Piper longum* L.

35. *White pepper* is the dried mature berry of *Piper nigrum* L. from which the outer coating or the outer and inner coatings have been removed and contains not less than six (6) per cent. of nonvolatile ether extract, not less than (50) per cent. of starch, not more than four (4) per cent. of total ash, not more than five-tenths (0.5) per cent. of ash insoluble in hydrochloric acid, and not more than five (5) per cent. of crude fiber. One hundred parts of the nonvolatile ether extract contain not less than four (4) parts of nitrogen.

36. *Saffron* is the dried stigma of *Crocus sativus* L.

37. *Sage* is the leaf of *Salvia officinalis* L.

38. *Savory, summer savory*, is the leaf, blossom, and branch of *Satureja hortensis* L.

39. *Thyme* is the leaf and tip of blooming branches of *Thymus vulgaris* L.

FLAVORING EXTRACTS.

The flavoring extracts herein described are intended solely for food purposes and are not to be confounded with similar preparations described in the Pharmacopoeia for medicinal purposes.

1. *A flavoring extract* is a solution in ethyl alcohol of proper strength of the sapid and odorous principles derived from an aromatic plant, or parts of the plant, with or without its coloring matter, and conforms in name to the plant used in its preparation.

2. *Almond extract* is the flavoring extract prepared from oil of bitter almonds, free from hydrocyanic acid, and contains not less than one (1) per cent. by volume of oil of bitter almonds.

2a. *Oil of bitter almonds*, commerical, is the volatile oil obtained from the seed of the bitter almond (*Amygdalus communis* L.), the apricot (*Prunus armeniaca* L.), or the peach (*Amygdalus persica* L.)

3. *Anise extract* is the flavoring extract prepared from oil of anise, and contains not less than three (3) per cent. by volume of oil of anise.

3a. *Oil of anise* is the volatile oil obtained from the anise seed.

4. *Celery seed extract* is the flavoring extract prepared from celery seed or the oil of celery seed, or both, and contains not less than three-tenths (0.3) per cent. by volume of oil of celery seed.

4a. *Oil of celery seed* is the volatile oil obtained from celery seed.

5. *Cassia extract* is the flavoring extract prepared from oil of cassia and contains not less than two (2) per cent. by volume of oil of cassia.

5a. *Oil of cassia* is the lead-free volatile oil obtained from the leaves or bark of *Cinnamomum cassia* Bl., and contains not less than seventy-five (75) per cent. by weight of cinnamic aldehyde.

6. *Cinnamon extract* is the flavoring extract prepared from oil of cinnamon, and contains not less than two (2) per cent. by volume of oil of cinnamon.

6*a*. *Oil of cinnamon* is the lead-free volatile oil obtained from the bark of the Ceylon cinnamon (*Cinnamomum zeylanicum* Breyne), and contains not less than sixty-five (65) per cent. by weight of cinnamic aldehyde and not more than ten (10) per cent. by weight of eugenol.

7. *Clove extract* is the flavoring extract prepared from oil of cloves, and contains not less than two (2) per cent. by volume of oil of cloves.

7*a*. *Oil of cloves* is the lead-free, volatile oil obtained from cloves.

8. *Ginger extract* is the flavoring extract prepared from ginger and contains in each one hundred (100) cubic centimeters, the alcohol-soluble matters from not less than twenty (20) grams of ginger.

9. *Lemon extract* is the flavoring extract prepared from oil of lemon, or from lemon peel, or both, and contains not less than five (5) per cent. by volume of oil of lemon.

9*a*. *Oil of lemon* is the volatile oil obtained, by expression or alcoholic solution, from the fresh peel of the lemon (*Citrus limonum* L.), has an optical rotation (25° C.) of not less than +60° in a 100-millimeter tube, and contains not less than four (4) per cent. by weight of citral.

10. *Terpeneless extract of lemon* is the flavoring extract prepared by shaking oil of lemon with dilute alcohol, or by dissolving terpeneless oil of lemon in dilute alcohol, and contains not less than two-tenths (0.2) per cent. by weight of citral derived from oil of lemon.

10*a*. *Terpeneless oil of lemon* is oil of lemon from which all or nearly all of the terpenes have been removed.

11. *Nutmeg extract* is the flavoring extract prepared from oil of nutmeg, and contains not less than two (2) per cent. by volume of oil of nutmeg.

11*a*. *Oil of nutmeg* is the volatile oil obtained from nutmegs.

12. *Orange extract* is the flavoring extract prepared from oil of orange, or from orange peel, or both, and contains not less than five (5) per cent. by volume of oil of orange.

12*a*. *Oil of orange* is the volatile oil obtained, by expression or alcoholic solution, from the fresh peel of the orange (*Citrus aurantium* L.) and has an optical rotation (25° C.) of not less than +95° in a 100-millimeter tube.

13. *Terpeneless extract of orange* is the flavoring extract prepared by shaking oil of orange with dilute alcohol, or by dissolving terpeneless oil of orange in dilute alcohol, and corresponds in flavoring strength to orange extract.

13*a*. *Terpeneless oil of orange* is oil of orange from which all or nearly all of the terpenes have been removed.

14. *Peppermint extract* is the flavoring extract prepared from oil of peppermint, or from peppermint, or both, and contains not less than three (3) per cent. by volume of oil of peppermint.

14*a*. *Peppermint* is the leaves and flowering tops of *Mentha piperita* L.

14*b*. *Oil of peppermint* is the volatile oil obtained from peppermint and contains not less fifty (50) per cent. by weight of menthol.

15. *Rose extract* is the flavoring extract prepared from otto of roses, with or without red rose petals, and contains not less than four-tenths (0.4) per cent. by volume of otto of roses.

15*a*. *Otto of roses* is the volatile oil obtained from the petals of *Rosa damascena* Mill., *R. centifolia* L., or *R. moschata* Herrm.

16. *Savory extract* is the flavoring extract prepared from oil of savory, or from savory, or both, and contains not less than thirty-five hundredths (0.35) per cent. by volume of oil of savory.

16*a*. *Oil of savory* is the volatile oil obtained from savory.

17. *Spearmint extract* is the flavoring extract prepared from oil of spearmint, or from spearmint, or both, and contains not less than three (3) per cent. by volume of oil of spearmint.

17*a*. *Spearmint* is the leaves and flowering tops of *Mentha spicata* L.

17*b*. *Oil of spearmint* is the volatile oil obtained from spearmint.

18. *Star anise extract* is the flavoring extract prepared from oil of star anise, and contains not less than three (3) per cent. by volume of oil of star anise.

18*a*. *Oil of star anise* is the volatile oil distilled from the fruit of the star anise (*Illicium verum* Hook).

19. *Sweet basil extract* is the flavoring extract prepared from oil or sweet basil, or from sweet basil, or both, and contains not less than one-tenth (0.1) per cent. by volume of oil of sweet basil.

19*a*. *Sweet basil, basil*, is the leaves and tops of *Ocymum basilicum* L.

19*b*. *Oil of sweet basil* is the volatile oil obtained from basil.

20. *Sweet marjoram extract, marjoram extract*, is the flavoring extract prepared from the oil of marjoram, or from marjoram, or both, and contains not less than one (1) per cent. by volume of oil of marjoram.

20*a*. *Oil of marjoram* is the volatile oil obtained from marjoram.

21. *Thyme extract* is the flavoring extract prepared from oil of thyme, or from thyme or both, and contains not less than two tenths (0.2) per cent. by volume of oil of thyme.

21*a*. *Oil of thyme* is the volatile oil obtained from thyme.

22. *Tonka extract* is the flavoring extract prepared from tonka bean, with or without sugar or glycerin, and contains not less than one-tenth (0.1) per cent. by weight of coumarin extracted from the tonka bean, together with a corresponding proportion of the other soluble matters thereof.

22*a*. *Tonka bean* is the seed of *Coumarouna odorata* Aublet (*Dipteryx odorata* (Aubl.) Willd.)

23. *Vanilla extract* is the flavoring extract prepared from vanilla bean, with or without sugar or glycerin, and contains in one hundred (100) cubic centimeters the soluble matters from not less than ten (10) grams of the vanilla bean.

23*a*. *Vanilla bean* is the dried, cured fruit of *Vanilla planifolia* Andrews.

24. *Wintergreen extract* is the flavoring extract prepared from oil of wintergreen, and contains not less than three (3) per cent. by volume of oil of wintergreen.

24*a*. *Oil of wintergreen* is the volatile oil distilled from the leaves of the *Gaultheria procumbens* L.

EDIBLE VEGETABLE OILS AND FATS.

1. *Olive oil* is the oil obtained from the sound, mature fruit of the cultivated olive tree (*Olea europoea* L.) and subjected to the usual refining processes; is free from rancidity; has a refractive index (25° C.) not less than one and forty-six hundred and sixty ten-thousandths (1.4660) and not exceeding one and forty-six hundred and eighty ten-thousandths (1.4680); and an iodin number not less than seventy-nine (79) and not exceeding ninety (90).

2. *Virgin olive oil* is olive oil obtained from the first pressing of carefully selected, hand-picked olives.

3. *Cotton-seed oil* is the oil obtained from the seeds of cotton plants (*Gossypium hirsutum* L., *G. barbadense* L., or *G. herbaceum* L.) and subjected to the usual refining processes; is free from rancidity; has a refractive index (25° C.) not less than one and forty-seven hundred ten-thousandths (1.4700) and not exceeding one and forty-seven hundred and twenty-five ten-thousandths (1.4725); and an iodin number not less than one hundred and four (104) and not exceeding one hundred and ten (110).

4. "*Winter-yellow*" *cotton-seed oil* is expressed cotton-seed oil from which a portion of the stearin has been separated by chilling and pressure, and has an iodin number not less than one hundred and ten (110) and not exceeding one hundred and sixteen (116).

5. *Peanut oil, arachis oil, earthnut oil,* is the oil obtained from the peanut (*Arachis hypogaea* L.) and subjected to the usual refining processes; is free from rancidity; has a refractive index (25° C.) not less than one and forty-six hundred and ninety ten-thousandths (1.4690) and not exceeding one and forty-seven hundred and seven ten thousandths (1.4707); and an iodin number not less than eighty-seven (87) and not exceeding one hundred (100).

6. "*Cold-drawn*" *peanut oil* is peanut oil obtained by pressure without heating.

7. *Sesame oil, gingili oil, teel oil,* is the oil obtained from the seeds of the sesame plants (*Sesamum orientale* L. and *S. radiatum* Schum. and Thonn.) and subjected to the usual refining processes; is free from rancidity; has a refractive index (25° C.) not less than one and forty-seven hundred and four ten-thousandths (1.4704) and not exceeding one and forty-seven hundred and seventeen ten-thousandths (1.4717); and an iodin number not less than one hundred and three (103) and not exceeding one hundred and twelve (112).

8. "*Cold-drawn*" *sesame oil* is sesame oil obtained by pressure without heating.

9. *Poppy-seed oil* is the oil obtained from the seed of the poppy (*Papaver somniferum* L.) subjected to the usual refining processes and free from rancidity.

10. *White poppy-seed oil, "cold-drawn" poppy-seed oil,* is poppy-seed oil of the first pressing without heating.

11. *Coconut oil* is the oil obtained from the kernels of the coconut (*Cocos nucifera L.*) and subjected to the usual refining processes and free from rancidity.

12. *Cochin oil* is coconut oil prepared in Cochin (Malabar).

13. *Ceylon oil* is coconut oil prepared in Ceylon.

14. *Copra oil* is coconut oil prepared from copra, the dried kernels of the coconut.

15. *Rape-seed oil, colza oil,* is the oil obtained from the seeds of the rape plant (*Brassica napus* L.) and subjected to the usual refining processes and free from rancidity.

16. *"Cold-drawn" rape-seed oil* is rape-seed oil obtained by the first pressing without heating.

17. *Sunflower oil* is the oil obtained from the seeds of the sunflower (*Helianthus annuus* L.) and subjected to the usual refining processes and free from rancidity.

18. *"Cold-drawn" sunflower oil* is sunflower oil obtained by the first pressing without heating.

19. *Maize oil, corn oil,* is the oil obtained from the germ of the maize (*Zea mays* L.) and subjected to the usual refining processes and free from rancidity.

20. *Cocoa butter, cacao butter,* is the fat obtained from roasted, sound cocoa beans, and subjected to the usual refining processes; if free from rancidity; has a refractive index (40° C.) not less than one and forty-five hundred and sixty six ten-thousandths (1.4566) and not exceeding one and forty-five hundred and ninety-eight ten-thousandths (1.4598), an iodin number not less than thirty-three (33) and not exceeding thirty-eight (38); and a melting point not lower than 30° C. nor higher than 35° C.

21. *Cotton-seed oil stearin* is the solid product made by chilling cotton-seed oil and separating the solid portion by filtration, with or without pressure, and having an iodin number not less than eighty-five (85) and not more than one hundred (100).

Tea, Coffee and Cocoa Products.

TEA.

1. *Tea* is the leaves and leaf buds of different species of *Thea,* prepared by the usual trade processes of fermenting, drying, and firing; meets the provisions of the act of Congress approved March 2, 1897, and the regulations

made in conformity therewith (Treasury Department Circular 16, February 6, 1905); conforms in variety and place of production to the name it bears; and contains not less than four (4) nor more than seven (7) per cent. of ash.

COFFEE.

1. *Coffee* is the seed of *Coffea arabica* L. or *Coffea liberica* Bull., freed from all but a small portion of its spermoderm, and conforms in variety and place of production to the name it bears.

2. *Roasted coffee* is coffee which by the action of heat has become brown and developed its characteristic aroma, and contains not less than ten (10) per cent. of fat and not less than three (3) per cent. of ash.

COCOA AND COCOA PRODUCTS.

1. *Cocoa beans* are the seeds of the cacao tree, *Theobroma cacao* L.

2. *Cocoa nibs*, *cracked cocoa*, is the roasted, broken cocoa bean freed from its shell or husk.

3. *Chocolate*, *plain chocolate*, *bitter chocolate*, *chocolate liquor*, *bitter chocolate coatings*, is the solid or plastic mass obtained by grinding cocoa nibs without the removal of fat or other constituents except the germ, and contains not more than three (3) per cent. of ash insoluble in water, three and fifty hundredths (3.50) per cent. of crude fiber, and nine (9) per cent. of starch, and not less than forty-five (45) per cent. of cocoa fat.

4. *Sweet chocolate*, *sweet chocolate coatings*, is chocolate mixed with sugar (sucrose), with or without the addition of cocoa butter, spices, or other flavoring materials, and contains in the sugar-and fat-free residue no higher percentage of either ash, fiber, or starch than is found in the sugar-and fat-free residue of chocolate.

5. *Cocoa*, *powdered cocoa*, is cocoa nibs, with or without the germ, deprived of a portion of its fat and finely pulverized, and contains percentages of ash, crude fiber, and starch corresponding to those in chocolate after correction for fat removed.

6. *Sweet cocoa*, *sweetened cocoa*, is cocoa mixed with sugar (sucrose), and contains not more than sixty (60) per cent. of sugar (sucrose), and in the sugar- and fat-free residue no higher percentage of either ash, crude fiber, or starch than is found in the sugar- and fat-free residue of chocolate.

BEVERAGES.

FRUIT JUICES—FERMENTED FRUIT JUICES.

1. *Wine* is the product made by the normal alcoholic fermentation of the juice of sound, ripe grapes, and the usual cellar treatment, and contains not less than seven (7) nor more than sixteen (16) per cent. of alcohol, by

volume, and, in one hundred (100) cubic centimeters (20° C.), not more than one-tenth (0.1) gram of sodium chlorid nor more than two-tenths (0.2) gram of potassum sulphate; and for red wine not more than fourteen hundredths (0.14) gram, and for white wine not more than twelve hundredths (0.12) gram of volatile acids produced by fermentation and calculated as acetic acid. *Red wine* is wine containing the red coloring matter of the skins of grapes. *White wine* is wine made from white grapes or the expressed fresh juice of other grapes.

2. *Dry wine* is wine in which the fermentation of the sugars is practically complete and which contains, in one hundred (100) cubic centimeters (20° C.), less than one (1) gram of sugars and for dry red wine not less than sixteen hundredths (0.16) gram of grape ash and not less than one and six-tenths (1.6) grams of sugar-free grape solids, and for dry white wine not less than thirteen hundredths (0.13) gram of grape ash and not less than one and four-tenths (1.4) grams of sugar-free grape solids.

3. *Fortified dry wine* is dry wine to which brandy has been added but which conforms in all other particulars to the standard of dry wine.

4. *Sweet wine* is wine in which the alcoholic fermentation has been arrested, and which contains, in one hundred (100) cubic centimeters (20° C.), not less than one (1) gram of sugars, and for sweet red wine not less than sixteen hundredths (0.16) gram of grape ash, and for sweet white wine not less than thirteen hundredths (0.13) gram of grape ash.

5. *Fortified sweet wine* is sweet wine to which wine spirits have been added. By act of Congress, "sweet wine" used for making fortified sweet wine and "wine spirits" used for such fortification are defined as follows (sec. 43, Act of October 1, 1890, 26 Stat., 567, as amended by section 68, Act of August 27, 1894, 28 Stat., 509, and further amended by Act of Congress approved June 7 1906): "That the wine spirits mentioned in section 42 of this act is the product resulting from the distillation of fermented grape juice to which water may have been added prior to, during, or after fermentation, for the sole purpose of facilitating the fermentation and economical distillation thereof, and shall be held to include the products from grapes or their residues, commonly known as grape brandy; and the pure sweet wine, which may be ortified free of tax, as provided in said section, is fermented grape juice only, and shall contain no other substance whatever introduced before, at the time of, or after fermentation, except as herein expressly provided; and such sweet wine shall contain not less than four per centum of saccharine matter, which saccharine strength may be determined by testing with Balling's saccharometer or must scale, such sweet wine, after the evaporation of the spirits contained therein, and restoring the sample tested to original volume by addition of water: *Provided*, That the addition of pure boiled or condensed grape must or pure crystallized cane or beet sugar or pure anhydrous sugar to the pure grape juice aforesaid, or the fermented product of such grape juice prior to the fortific tion pro-

vided by this Act for the sole purpose of perfecting sweet wine according to commerical standard, or the addition of water in such quantities only as may be necessary in the mechanical operation of grape conveyers, crushers, and pipes leading to fermenting tanks, shall not be excluded by the definition of pure sweet wine aforesaid: *Provided, however,* That the cane or beet sugar, or pure anhydrous sugar, or water, so used shall not in either case be in excess of ten (10) per centum of the weight of the wine to be fortified under this Act: *And provided further,* That the addition of water herein authorized shall be under such regulations and limitations as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury may from time to time prescribe; but in no case shall such wines to which water has been added be eligible for fortification under the provisions of this Act where the same, after fermentation and before fortification, have an alcoholic strength of less than five per centum of their volume."

6. *Sparkling wine* is wine in which the after part of the fermentation is completed in the bottle, the sediment being disgorged and its place supplied by wine or sugar liquor, and which contains, in one hundred (100) cubic centimeters (20° C.), not less than twelve hundredths (0.12) gram of grape ash.

7. *Modified wine, ameliorated wine, corrected wine,* is the product made by the alcoholic fermentation, with the usual cellar treatment, of a mixture of the juice of sound, ripe grapes with sugar (sucrose), or a sirup containing not less than sixty-five (65) per cent. of sugar (sucrose), and in quantity not more than enough to raise the alcoholic strength after fermentation, to eleven (11) per cent. by volume.

8. *Raisin wine* is the product made by the alcoholic fermentation of an infusion of dried or evaporated grapes, or of a mixture of such infusion or of raisins with grape juice.

SALT.

1. *Table salt, dairy salt,* is fine-grained crystalline salt containing on a water-free basis, not more than one and four-tenths (1.4) per cent. of calcium sulphate ($CaSO_4$), nor more than five-tenths (0.5) per cent. of calcium and magnesium chlorids ($CaCl_2$ and $MgCl_2$), nor more than one-tenth (0.1) per cent. of matters insoluble in water.

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