33052

ACTS

OF THE

One Hundred and Nineteenth Legislature

OF THE

STATE OF NEW JERSEY,

AND

Fifty-First Under the New Constitution.

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

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

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

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

HENRY C. KELSEY,
Secretary of State.

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ONE HUNDRED AND NINETEENTH LEGISLATURE

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GENERAL PUBLIC LAWS.

GENERAL PUBLIC ACTS

PASSED BY THE

ONE HUNDRED AND NINETEENTH LEGISLATURE

CHAPTER I.

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

All corporations shall file list of officers.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be the duty of all corporations which may now or hereafter be authorized to transact business in this state, whether organized under general or special laws, although such corporations may not be organized under the laws of this state, and they are hereby required (unless they have already done so) to file on or before the thirtieth day of June next, and annually thereafter, within thirty days after the usual time of the annual election of directors, managers or trustees and the officers therefor, whether such election shall have been held on the day fixed by law or not, in the department of state of this state, a complete list, duly authenticated by the signatures of the president and secretary, of the names of such directors, managers, trustees and officers, with the date of the election or appointment, term of office and residence of each, and also to designate the business and the location of the principal office or place of business of the company in this state, as also in the state where organized, and for this purpose it shall be the duty of the secretary of state to furnish said corporations blanks,

And designate location of principal place of business.

Secretary of State shall furnish blanks, issue certificates and make index of lists.

in proper form, and to safely keep in his office all lists as filed, and issue to the company so filing, his certificate thereof, and also to prepare an alphabetical index thereto, which lists and index shall be submitted to the inspection of persons interested at all proper hours;

Requirements of act shall be published.

and it shall further be his duty, during the month of April next, to cause a notice of the requirements of this act to be published three times in each of the papers in this state authorized to publish the laws; and every

Penalty for non-compliance.

such corporation which shall not, within thirty days of the time herein fixed, comply with the provisions of this act shall forfeit the sum of two hundred dollars to the state of New Jersey, to be recovered by action of debt, to be brought by the attorney-general of this state in the name of the state of New Jersey, in a court of competent jurisdiction, together with costs of suit; *pro-*

Proviso.

vided, however, that where any corporation shall file a complete list of the officers, directors, managers or trustees, as above required, at any time prior to the entry of judgment upon any suit to be commenced in manner aforesaid by said attorney-general, and shall pay the costs of such suit up to the time of filing such list, then any and all proceedings thereon shall be discontinued.

Former forfeitures and penalties remitted.

2. *And be it enacted*, That all forfeitures, fines and penalties incurred by reason of the failure of any corporation to file a statement as required by the act concerning corporations, approved April seventh, one thousand eight hundred and seventy-five, or any supplement thereto, be and the same are hereby remitted and released, and that all acts and parts of acts inconsistent

Repealer.

with this act be and they are hereby repealed, and that this act shall take effect immediately.

Approved January 23, 1895.

GEORGE T. WERTS,
Governor.

EDWARD C. STOKES,
President of the Senate.

JOSEPH CROSS,
Speaker of the House of Assembly.

CHAPTER II.

AN ACT relating to and regulating the government of cities.

OF ELECTIONS AND SELECTION, DUTIES AND OBLIGATIONS OF CITY AND WARD OFFICERS.

1. BE IT ENACTED *enacted by the Senate and General Assembly of the State of New Jersey*, That the term of office of any mayor hereafter elected in any city of this state shall be two years, notwithstanding any clause in the charter of any city limiting the term for a period less than two years, and that his term of office shall commence on the third Tuesday in March next ensuing said election. Mayor's term of office.

2. *And be it enacted*, That the mayor shall be the chief executive officer of such city, and shall possess the powers and privileges and shall perform the duties which are hereinafter specified, and shall be elected for the term of two years at the annual charter election on the second Tuesday in March, and shall receive such annual compensation for his services, not exceeding two thousand five hundred dollars per annum, as the common council shall by ordinance fix and determine, and he shall receive no fees or other compensation whatever. When he shall be elected. Salary limited. Fees, &c., prohibited.

3. *And be it enacted*, That the mayor shall be the head of the police department, and shall have exclusive power to appoint, suspend and remove all policemen and subordinates in such department; he shall also appoint a chief of police and such captains and sergeants of police as may be required by ordinance; these appointments, however, of chief of police, captains and sergeants of police shall not take effect until confirmed by the common council; he shall see that all such officers are prompt and faithful in the discharge of their duties, and shall, from time to time, take such meas- Shall be head of police department, with power of removal, etc. Council shall confirm appointments.

ures as he may deem necessary for the preservation of peace and good order and the enforcement of the laws and ordinances of the city.

Board of Education may be established.

4. *And be it enacted*, That the common council may, by ordinance, in every city of this state, provide for and establish a board of education, to consist of seven members, to be appointed by said council or other legislative body, who shall hold office for a term not exceeding three years.

Council—how composed, elected, etc.

5. *And be it enacted*, That the common council of any city adopting this act shall be composed of three members from each ward, who shall hold office for three years, and a councilman-at-large, who shall hold office for the term of two years; there shall be elected at the annual election on the second Tuesday in March, in each of the wards of every such city, in such manner as is now provided by law, one member of council who shall hold office for the term of three years; *provided, however*, that existing members of council in any such city shall continue in office until the expiration of the term for which they were elected; and at the first election held after the adoption of this act, as hereinafter provided, there shall be no election of members of council if thereby the number of councilmen shall exceed three from each ward; and at the next succeeding election after the first election only such number of councilmen shall be elected from each ward as may be necessary to maintain and constitute a membership of three councilmen from each ward; *and provided, further*, that at that or the next succeeding election as many members of council shall be elected from each ward as may be necessary to maintain and constitute a membership of three councilmen from each ward; and if at any such election after the adoption of this act more than one councilman shall be elected from each ward, the said councilmen so elected shall draw lots, by wards, and one of such number shall serve for three years, and the other member or members of council so elected from each ward shall serve for one or two years, as may be necessary, to introduce a rotary system of one member of council elected each year from each ward for the term of three years; the coun-

Proviso.

Proviso.

Terms of councilmen.

cilman-at-large shall be elected at the first annual election held after the adoption of this act and every second year thereafter; there shall also be elected at such annual election, to be held on the second Tuesday in March, in each of the wards and election districts in every city of this state, in such manner as is now or may be provided by law, one treasurer, who shall hold his office for two years; and there shall also be elected, in and for every city in this state, at the city election in every three years, one person to be collector of taxes of said city and one overseer of the poor, who shall hold their respective offices for the term of three years; there shall be elected one assessor and one chosen freeholder from each of the respective wards in every city in this state, who shall hold their respective offices for the term of three years; there shall also be elected each year three commissioners of appeal in cases of taxation, who shall hold their office for one year, and such other city and ward officers shall be elected at such city elections as is now or may hereinafter be provided by law; the office of alderman, recorder and marshall is hereby abolished in every city adopting this act, and the common council may by ordinance abolish any office not created by or in virtue of the provisions of this act and end the term and authority of any officer serving therein.

Other officers to be elected.

Offices abolished.

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

Vacancies—how filled.

When elective office shall be declared vacant.

7. *And be it enacted*, That in case of death, resigna-

When council may fill vacancies.

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

Proviso.

provided, that all resignations shall be sent to the mayor, and he shall report the same to the common council at its next meeting thereafter.

Term of city solicitor.

8. *And be it enacted*, That every person elected or appointed to any office in pursuance of this act, or of any law or ordinance of the common council, including the city solicitor, who shall be elected for the term of three years, shall, before they enter upon the duties of

Officers shall subscribe oath and give bond.

such office, take and subscribe before the mayor or city clerk an oath or affirmation, faithfully and impartially to execute the duties of his office to the best of his knowledge, skill and ability, and such other oaths as may be required by the laws of this state; all such oaths or affirmations shall be filed by the city clerk in his office; the city treasurer, superintendent of schools, receiver of taxes, constables, overseer of the poor and such other officers as the common council may require shall also, before entering upon the duties, each give bond to the city, in its corporate name, in such sum and with such sureties as the common council may approve, or as may be required by any act of the legislature of this state, conditioned for the faithful performance of the duties of their respective offices; and if at any time the common council shall deem the sureties of any officer insufficient, they shall require him to give additional security.

Officers who may be removed for disability, etc.

9. *And be it enacted*, That any city or ward officer, except members of the board of city assessors, may be removed from office by resolution, for disability or other good cause shown, upon complaint in writing to the common council, setting forth such cause, supported by one or

more affidavits of the truth of the facts therein alleged; *provided, however*, that no such removal shall take place until the person sought to be removed has had an opportunity to be heard in his defense, nor unless two-thirds of all the members of the common council shall vote for such removal; vacancies occurring in such office shall be filled for the unexpired term by the common council. Proviso.

POWERS AND DUTIES OF THE COMMON COUNCIL.

10. *And be it enacted*, That the common council shall annually elect a president from its own body, and in his absence a president pro tempore, choose officers, appoint its time and place of meeting, determine the rules of its own proceedings, be the sole judge of the election returns and qualification of its own members, keep a journal of its proceedings, and may punish or expel a member for disorderly conduct or a violation of its rules; but no expulsion shall take place except by the vote of two-thirds of all the members elected, nor until the delinquent member shall have had five days' notice of the proceedings and an opportunity to be heard in his defense; and the first meeting of the common council after the annual election shall be held on the third Tuesday in March of every year. Council shall elect officers, make rules, etc.

11. *And be it enacted*, That the city clerk shall be the clerk of the common council; he shall keep accurate minutes of the proceedings of the common council, and shall perform such other duties as may be required of him. City clerk shall be clerk of council.

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

Ordinances—how passed.

13. *And be it enacted*, That no ordinance shall be passed or repealed by the common council except with the concurrence of a majority of all the members of the common council, and no ordinance shall be altered or repealed save by ordinance to that effect; every ordinance shall be read three times before its final passage; no ordinance shall be finally passed until a subsequent meeting to that at which it may be introduced, but each and every ordinance so passed as aforesaid shall be published in one or more of the newspapers printed and published in said city, ten days before the same shall take effect; *provided*, that whenever the common council shall cause a revision of the ordinances of the city to be made, and shall direct the same to be published in a printed volume, it shall not be necessary to publish such revised ordinance in a newspaper; every ordinance or resolution passed by the common council shall, before it takes effect, be presented, duly certified by the city clerk, to the mayor, who, if he approves the same, shall sign it; and if he do not approve it, shall return it, with his objections, to the clerk within five days after the presenting thereof, and if he do not return it with such objections within the time specified above it shall take effect as if approved by him; whenever any ordinance or resolution shall have been returned with objections aforesaid to the common council, the said common council shall, at its first meeting thereafter, order the objections to be entered at length on its journal, and shall proceed to reconsider the same, and if, on reconsideration, it shall pass the council by a vote of two-thirds of all the members, it shall take effect, notwithstanding such objections; in all such cases the votes shall be taken by ayes and nays and entered in full on the journal of said council; the publication of all ordinances as herein required shall in all cases be presumed to have been made until the contrary shall be proved; the publication of private ordinances shall in all cases be procured to be done and the expense thereof borne by the person benefited thereby or applying therefor.

Ordinances shall be published

Proviso.

Mayor may veto ordinances.

Council may pass by two-thirds vote.

Enacting clause—form of.

14. *And be it enacted*, That the enacting clause of all ordinances shall be, "Be it ordained by the common council of the city of———."

15. *And be it enacted*, That the councilmen of any city in the state duly elected by the several wards thereof shall constitute and be called "the common council of the city of———."

16. *And be it enacted*, That the common council of all cities in this state shall have power within the said city to make, establish, publish, modify, amend or repeal ordinances, rules, regulations and by-laws, for the following purposes: Purposes for which ordinances may be passed.

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

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

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

IV. To license and regulate restaurants, victualing-houses or cellars, ale and lager beer saloons or gardens, billiard tables and bowling alleys, and to prohibit the keeping of the same, except by persons duly licensed; License saloons, etc.

V. To prohibit, restrain, regulate and license all sports, exhibitions of natural or artificial curiosities, caravans of animals, theatrical exhibitions, circuses or other public performances and exhibitions for money, and fix the sums to be paid for such licenses to the city treasurer; License or prohibit sports and shows.

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

VII. To regulate, clean and keep in repair the streets, highways, avenues, lanes, alleys, public places, bridges, wharves and docks in such city, and to prevent and remove obstructions and incumbrances in and upon all Clean, repair, etc., streets and highways.

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

Open, grade and improve streets, etc.

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

Direct grading, fencing, etc., of lots.

IX. To direct the digging down, draining, filling up or fencing of lots, pieces or parcels of ground in said city which shall be deemed dangerous or unwholesome, or necessary to carry out any improvement authorized by this act; to prescribe the manner in which the said work shall be performed, and to cause the expense thereof to be assessed in just and equitable proportions on the lots or pieces or parcels of ground, whether improved or unimproved, benefited thereby, to the extent of the peculiar benefits conferred, and to determine the

time and manner in which such assessment shall be collected;

Regulate construction of stoops, bay windows, etc.

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

Punish racing, etc., on streets and highways, and regulate speed of cars, etc.

XI. To prevent and punish horse racing and immoderate driving or riding in any street, highway or public place, and to authorize the stopping and detaining any person who shall be guilty of immoderate driving or riding in any street, highway or public place, and to regulate the speed and running of locomotive engines and railroad cars, motor, electric or other cars through said city, and designate the crossing at which any railroad company shall be required by the common council to station flagmen or signals to warn travelers of the approach of locomotive engines or railroad cars;

Regulate driving of cattle.

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

Improve parks, etc.

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

Provide for public lighting.

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

Regulate wells, pumps, etc.

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

Establish pounds and regulate running at large of cattle, etc.

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

Regulate dogs running at large

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

XVIII. To locate, regulate and remove slaughter-

Locate and regulate slaughter houses, etc. And selling of meats, fish, etc. houses, establish and regulate public markets, license and regulate butchers, designate the places and manner of selling meats, fish, fruits and vegetables, and to prohibit persons from selling such articles without license;

Remove and dispose of garbage. to provide for the removal and disposition of offal, garbage and all refuse matter which may become dangerous to the public health, and to authorize and empower the local board of health, established or to be established in such city, to make removal and disposition thereof, or to provide therefor, and in case such boards are given such power and authority, they are hereby authorized to accept the same and given power to remove and dispose of such refuse matter;

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

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

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

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

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

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

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

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

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

XXVIII. To regulate or prohibit swimming or bathing in the waters of or bounding the city; Regulate bathing in public waters.

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

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

Establish fire department.

XXXI. To establish, regulate and control a fire department; to regulate and define the manner of the appointment and removal of the officers and members of the fire department, their duties and their compensation; to provide fire engines and other apparatus and engine-houses and other places for keeping and preserving the same, and to provide water for extinguishing fires;

Regulate building of houses, chimneys, etc., and storage of dangerous materials.

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

Levy taxes.

XXXIII. To adopt all legal and requisite measures

for levying and collecting all taxes, fines, penalties and all assessments for public improvements;

Prescribe duties of public officials.

XXXIV. To prescribe and define the duties of city and ward officers when not otherwise prescribed by law, and fix and determine their compensation and the penalty or penalties for failure to perform their duties, and to prescribe the bonds and sureties to be given by the officers of the city for the discharge of their duties, and the time for executing the same in cases not otherwise provided by law; to appoint from time to time such subordinate officers as may be deemed necessary to carry into effect the powers and duties hereby created or otherwise conferred or imposed;

Fix salaries

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

Provide public water supply.

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

Make and establish other ordinances, etc.

17. *And be it enacted*, That the common council shall have power to make and establish such other ordinances, rules, regulations and by-laws, not contrary to the laws of this state or of the United States, as they may deem necessary to carry into effect the powers and duties conferred and imposed on them by this act, or by any other laws of this state, and such also as they may deem necessary and proper for the good government,

order, protection of persons and property, and for the preservation of the public health and prosperity of said city and its inhabitants, and the same to altar, amend and repeal.

And prescribe penalties.

18. *And be it enacted*, That in all cases where, by the provisions of this act, the common council have authority to pass ordinances on any subject, they may prescribe a penalty or penalties for the violation thereof, either by imprisonment in the city or county jail not exceeding thirty days, or by a fine not exceeding two hundred dollars; the book of record of the ordinances and by-laws of the said common council shall be taken and received as evidence of the due passage by said common council of all ordinances and by-laws recorded therein; *and further*, the volume of ordinances and by-laws printed and published by authority of the common council shall in like manner be taken and received as evidence of the ordinances and by-laws of the said common council, and the publication of the said ordinances and by-laws in the public newspapers, according to law, shall in all cases be presumed to have been made, until the contrary be proved.

Erect public buildings.

19. *And be it enacted*, That the common council shall have power to build and maintain a city hall, hospital, armory for national guard, and such other public buildings as they may deem necessary, and such as may be required for the accommodation of the city officers and the day and night police of the said city.

Establish work-houses and alm-houses.

20. *And be it enacted*, That the common council shall have power to build, establish, keep and maintain one or more work-house or work-houses, and one or more almshouse or almshouses, and to direct or order what persons shall be placed therein, and for what length of time, and the manner of ordering, placing and keeping persons therein; and the application and expenditure of all moneys raised for the maintenance and relief of the poor of the said city shall be under the government, management and direction of the said common council and of the overseer of the poor, and such other officer as they shall, for that purpose, constitute and appoint; and the overseer of the poor shall possess the powers and perform the duties of the like

officers of the townships of this state, so far as such powers and duties shall be consistent with the provisions of this act.

Grant tavern licenses.

21. *And be it enacted*, That the sole and exclusive power to grant licenses to persons to keep inns and taverns within said city shall be vested in the common council, on such terms and under such limitations, regulations and restrictions as the said common council shall, by their ordinance, impose.

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

Powers and duties of the mayor.

22. *And be it enacted*, That the mayor shall have the power and it shall be his duty to recommend to the common council all such measures connected with the security, health, cleanliness and ornament of the city, and the protection and improvement of its government and finances, as he shall deem expedient; to keep the corporate seal of the city; to cause the laws and ordinances to be duly executed and enforced, and to exercise a supervision over the official acts of the subordinate officers of the city, and to report any dereliction of duty to the common council, and generally to perform all such duties as may be required of him by law or the ordinances of said city; he may, under the direction of common council, offer rewards for the detection or apprehension of the perpetrator of any offenses against the city ordinances, or of any high crime or misdemeanor committed within the city, to be paid on the conviction of the criminal.

23. *And be it enacted*, That the mayor is hereby invested with all the powers and duties which any police justice of the city is now or may hereafter be invested with, and for the purpose of quelling any insurrection, riot, disturbance or disorderly assemblage, shall have control of the constables, watchmen or other police force of said city, and the power to call upon the citizens for aid in all such cases, and, when he shall deem it proper, to call out the militia of said city and employ the same in quelling any insurrection, riot or disturbance of the peace, and on parades or other public gath-

erings, when he shall deem it necessary to preserve the public peace and good order, he may appoint for the occasion such special policemen as he may deem necessary and the common council shall provide for their compensation.

President of council shall act when mayor is disabled.

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

Duties of other officers.

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

Collector may appoint deputies.

26. *And be it enacted*, That the collector of taxes shall have power to appoint, with the consent of the common council, one or more deputies, who shall have power to do all and every act or acts which it may be lawful for the said collector to do, and every warrant directed to him may be executed by his deputy or deputies, or either of them, in as full and complete a manner as if executed by the said collector of taxes; and the said deputy or deputies shall give such security for the faithful performance of their respective offices as the common council shall direct.

Duties of tax collector.

27. *And be it enacted*, That the office of the said collector of taxes shall be kept in the city hall of said city, and he, or such deputy as he shall appoint, shall sit at such times and places in said city for the receipt of taxes as the common council shall direct; and it

shall be the special duty of the said collector of taxes to receive all taxes which may be paid, and preserve in his office the duplicate assessment books which shall from time to time be delivered to him by the board of city assessors, as prescribed by this act.

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

Duties of treasurer.

29. *And be it enacted*, That the city treasurer shall receive all moneys belonging to the city, and shall disburse the same as directed by law, and shall keep an account of all receipts and expenditures in such manner as the common council shall direct, and shall perform such other duties appertaining to his office as may be required of him by law, or by any ordinance or resolution of the common council; the said treasurer shall at the close of the fiscal year make out a true and full account of the receipts and expenditures during the year, and also the state of the treasury, and within twenty days thereafter deliver said account to the city clerk, who shall lay the same before the common council at their next meeting; and if, upon examination, it shall be found correct, it shall be filed in the office of the city clerk; the fiscal year shall commence on the third Tuesday of March in each and every year.

Duties of clerk.

30. *And be it enacted*, That the city clerk shall keep all the records, books, papers and documents of the city, countersign all licenses signed by the mayor, and keep the record of all the proceedings of the common

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

Duties of engineer, surveyor, solicitor, etc.

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

ASSESSMENT AND COLLECTION OF TAXES.

Purposes for which taxes may be levied.

32. *And be it enacted*, That the common council shall have power to raise by tax in each year such sum or sums of money as they shall deem expedient for the following purposes:

I. For lighting the streets of the city;

II. For the maintenance and support of the poor;

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

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

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

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

VII. For the support of the fire department;

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

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

X. For purchasing necessary real estate;

XI. For the contingent expenses of the city and for all other objects and purposes authorized by law, to be assessed and collected in such manner as the common council shall by ordinance direct; *provided, always*, that it shall not be lawful for the common council to raise by taxation in any one year, in the general assessment for city purposes, an amount of money that shall cause a greater rate than two hundred cents on one hundred dollars of the valuation of the real and personal property rated and returned for taxation therein as shown by the duplicate of assessment for the current year.

Board of assessors —how organized.

33. *And be it enacted*, That the board of city assessors shall meet on the second Monday in May, in each and every year, and at such meeting they shall select one of their number as chairman, who shall hold his office one year or during the pleasure of said board of assessors; a majority of said assessors shall constitute a quorum for the transaction of business, and they shall have power to adjourn from time to time, and make such rules and regulations for their own proceedings as are not inconsistent with this act and the laws of this state relating thereto.

Powers and duties of board of assessors.

34. *And be it enacted*, That the said board of city assessors shall possess the powers of the like officers of any township of this state, and having duly organized, shall proceed to make a full and fair valuation, enumeration and assessment of all the real and personal property in said city according to law; and all statements, returns and assessments shall be as of the twentieth day of May of each year, the day on which the assessment is to commence; the assessors shall tabulate and arrange

such valuation, enumerations and assessments in lists which shall also exhibit, in alphabetical order, the names of all persons, firms, companies or corporations liable to be assessed to pay any tax, designating the lands, tenements and real estate, as laid down on the maps prepared or to be prepared for that purpose, or on the city atlas, and to affix to each lot, and each subdivision thereof, as the same stands recorded on said atlas, distinguishing the same by their marks or numbers, the true value of each lot or subdivision, together with the value, enumeration and assessment of the objects liable to taxation, for which such person, firm, company or corporation is liable at the time of making these valuations, enumerations and assessments; the assessors shall also make out lists, showing the name and residence of each male inhabitant of said city of the age of twenty-one years and upwards, upon whom they shall assess such poll tax as required by law, or by any ordinance of the common council passed in conformity with any statute in force at the date of the passage of this act; that when the board of assessors of said city shall have made the valuation of personal property and real estate and the improvements thereon, they shall give one week's notice in two of the daily newspapers published in said city, setting forth the time or times and place when and where they will attend to hear and consider all complaints touching such valuations, under such rules and regulations as they may prescribe, and to increase, reduce, alter or modify such valuations as to them may appear just and equitable, after hearing such complaints and making such changes as they may deem proper.

35. *And be it enacted*, That the said board of assessors, or such of their number as they may designate for that purpose, shall attend all the meetings of the county board of assessors which shall be convened according to law, and in the proceedings of said county board of assessors, shall be entitled to as many votes as there are wards in the city they represent, which votes shall be cast as said city assessors, or a majority of them, shall direct.

City atlas shall be made.

36. *And be it enacted*, That it shall be the duty of the common council to cause to be made and revised, from time to time, a city map or atlas, therein delineating and describing the lots, plots and tracts of land and real estate situate within such city and the subdivisions thereof; the said city map or atlas, and all revisions thereof, shall be deemed public records of the said city.

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

Assessors shall prepare tax lists.

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

How duplicates shall be arranged.

39. *And be it enacted*, That the assessors of the said city shall so arrange their duplicates as to specify therein, by letters and numbers as shown on the city atlas, the several lots or subdivisions of lots assessed, with the valuation thereof, as shown by the register kept by the city engineer or surveyor, to the end that each lot and subdivision, as they appear at the time upon the city atlas, shall be liable for the whole tax assessed thereon; but if any lot shall have been sold and such transfer not

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entered on said atlas and register as aforesaid, the person who shall have paid the tax assessed thereon shall have the right to recover from the other parties interested their proportions of said tax, in proportion to the value of the several parts thereof.

Duties of assessors and collectors.

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

PUBLIC SCHOOLS.

Powers, duties and liabilities of board of educations.

41. *And be it enacted*, That the board of education shall be a body politic in fact and in law; they and their successors forever shall and may have perpetual succession and shall be persons in law capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended in any court of law or equity; and that they and their successors may have a common seal and alter the same at their pleasure; that the said board of education shall annually elect a president from its own body and in his absence a president pro tempore, appoint its time and place of meeting and determine the rules of its own proceedings, and such board of education shall have power to choose a city superintendent, define his duties

and fix his compensation, not to exceed one thousand five hundred dollars per annum, and his term of office shall not exceed three years; it shall also appoint a secretary, who shall keep a journal of its proceedings and perform such other duties as the board may prescribe; a majority of the whole number of members shall constitute a quorum for the transaction of business, and no resolution or order shall be adopted without the consent of a majority of the whole number of said members; the president of the board shall have the power to call special meetings whenever he shall deem it expedient.

Quorum.

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

Shall furnish estimate of money necessary for support of schools.

And raise the same by tax.

43. *And be it enacted*, That the board of education shall take charge of the public school-houses in any such city or school district, and shall cause all necessary repairs to be made to the same, and are also em-

Shall take charge of school houses, make repairs, etc.

powered to establish public schools of different grades, adapted to the age and progress of the pupils, including evening schools for apprentices, minors and adult persons; to select and employ teachers; to provide school-books, school furniture and school libraries for the schools; to purchase heating apparatus and fuel, or otherwise provide for the heating and lighting of such school-houses, and incur such incidental expenses for the maintenance of the schools as may be necessary, and to adopt rules and regulations for the admission of pupils, the investigation and inspection of the schools, and the government and the studies to be pursued therein.

Superintendent and board shall make annual report.

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

Treasurer shall make payment to superintendent.

45. *And be it enacted*, That the city treasurer shall, in each year, from time to time, pay over to the said school superintendent such sum of money as shall have been ordered to be raised by tax for the support of public schools in such city, not required by the law of this state to be paid to the county collector, on warrants to be signed by the said superintendent and countersigned by the comptroller.

STREETS, HIGHWAYS, DRAINS, SEWERS AND ASSESSMENTS THEREFOR.

Duties of common council.

46. *And be it enacted*, That it shall be lawful for the common council of any city in this state, whenever in their opinion the public good requires it, by ordinance:

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

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

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

47. *And be it enacted*, That no ordinance shall be adopted by the common council for making any improvement or performing any work under and by virtue of the provisions of the last preceding section of this act or either of the subdivisions thereof, or under and by virtue of this act, until public notice shall be given of the intention of the common council to cause such im- Shall publish notice of intention to pass ordinances.

provement to be made or such work to be done and performed, and to that end it shall be the duty of the city clerk, by direction of the common council, to give notice in two or more newspapers published and circulated in any such city, for at least ten days, of the intention of the common council to cause such improvement to be made or such work to be done and performed, briefly describing such work or improvement, and requesting such persons as may object thereto, to present their objections in writing at the office of city clerk, on or before a day to be specified in said notice, not less than ten days from the time of such direction, and at any time thereafter the common council may proceed to consider such ordinance as aforesaid.

48. *And be it enacted*, That whenever any ordinance shall be passed by the common council for making any improvement or performing any work under and by virtue of the provisions of this act, all further acts and proceedings which it may be necessary for the said common council to take to carry out said improvement or work to completion, and all orders relating thereto, may be by resolution and not by ordinance.

May treat with owners for payment of damages to property.

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

In cases of disagreement, etc., assessors shall estimate and assess damages.

50. *And be it enacted*, That when the said common council cannot agree with the owner or owners of such required lands or other real estate for the same, or when by reason of the legal incapacity or absence of any such

owner or owners no such agreement can be made, it shall be lawful for the board of city assessors, and they are hereby required upon application in writing of the said common council, signed by their presiding officer, which application shall specify the improvement and the land or other real estate, with the appurtenances intended to be taken for such purpose, to make an estimate and assessment of the damage that any such owner or owners will sustain thereby, and in estimating and assessing such damages the said board of assessors shall have due regard as well to the value of the land or other real estate, with the appurtenances, as to the injury or benefit of the owner or owners by the making thereof, and it shall be the duty of the said board of assessors, after estimating said damages, to assess the amount thereof, including the sums which may have been agreed upon as the price of any of the lands or other real estate to be taken for such purpose (where agreement has been made with the owner or owners), and also the costs and expenses incurred, upon all the owners of land and real estate in such city peculiarly benefited thereby in proportion as nearly as may be to the advantage each shall be deemed to acquire, specifying in such assessment such lots or subdivisions of lots, designating the lots and subdivisions of land so benefited by the letters and numbers by which they are distinguished on the city atlas, together with the name of the respective owner or owners thereof, and the amount assessed on each lot, which said assessment shall be embraced in the report of the said board of assessors hereinafter directed to be made; and in case where the common council shall agree with the owner or owners of such lands as to the compensation therefor, the board of city assessors shall make their estimate for damages in accordance therewith.

How assessors shall proceed.

51. *And be it enacted*, That in making every assessment required to be made by the provisions of this act when any land or real estate is taken or condemned, the said board of assessors shall first estimate and assess in the manner herein required, the damages sustained by the owner or owners of lands and real estate taken therefor; and after having ascertained the amount of such

damages they shall declare in their report thereof the cost and expense incurred, which shall include the damages awarded, and they shall thereupon at once proceed to make an estimate and assessment of the benefits conferred by the said improvement, as required herein, and they are hereby authorized to declare the damages awarded and benefits assessed in one report, or they may make their report of the damages and benefits separately, as they may deem best.

Clerk shall present report to council.

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

Proviso.

Proceedings in case of non-payment of assessed damages.

53. *And be it enacted*, That in case of non-payment on demand of any damages estimated and assessed as aforesaid, with interest, from the date of the confirmation of such assessment, in case of no appeal to the supreme court as aforesaid, the person or persons entitled thereto may sue for and recover the same from the said city in an action of debt, with costs, in any court having cognizance thereof; and the said proceedings of the said commissioners and common council or the award of the said jury, as the case may be, shall be

conclusive evidence against the defendant; *provided, however*, that where benefits for any such improvement have been assessed against any person or persons entitled to any award of damages, no recovery shall be had of the damages awarded until such benefits have been paid, and it shall be lawful for the said city to offset the benefits so ascertained against the damages so awarded; and if in any case the damages awarded exceed the benefits assessed the balance only shall be recovered; if the benefits assessed exceed the damages awarded, then the excess benefits may be collected in the manner hereinafter provided.

Treasurer shall tender payment and file affidavit thereof.

54. *And be it enacted*, That the city treasurer shall, under the direction of the common council, tender and pay to the owner or owners of such land and real estate, if resident in the said city, the amount of such estimate and assessment of damages due to him or them, and if any such owner is not resident in said city, or, upon due inquiry, cannot be found therein, or is a lunatic or idiot or under age, or if for any other lawful cause is incapacitated to receive the same, or if such owner will not receive the same and sign a proper voucher therefor when tendered, then the said treasurer shall make affidavit of such fact and file the same with the city clerk; and the common council shall thereupon direct the amount of such assessment so due as aforesaid to be placed in the city treasury for the use of the person or persons to whom it may be due; and the said moneys so placed in the city treasury shall be paid by such city to the person or persons entitled thereto on demand, but without interest, except from the time demand is made and payment after demand refused.

Assessors shall give notice of meeting for hearing.

55. *And be it enacted*, That before making any assessment for benefits against any owner or owners of lands and real estate benefited, the said board of assessors shall give notice in the manner hereinbefore directed of the time and place when and where they will meet for the purpose of considering the same, at which time and place all persons interested therein may be heard, and the said board may adjourn such hearing from time to time until they have completed the consideration thereof and made report thereon as herein directed;

and any person who may deem himself aggrieved thereby may present his objections to any such report to the common council of said city at its next stated meeting after the filing of such report; and if the said common council shall refuse to ratify the same it shall be returned by the said common council to the said board of assessors for further consideration, and so from time to time until such report shall be duly ratified and confirmed.

Shall transmit report to collector.

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

Collector shall advertise notice of assessment.

57. *And be it enacted*, That it shall be the duty of the collector of taxes to whom any such assessments shall have been returned, in addition to the publication of the return thereof to him for collection as herein provided, as far as practicable, to cause a notice to be given to every person assessed of the amount of the assessment so made against him or her, with the costs which have been incurred in the collection of the same and the interest which has accrued thereon: but if, for any reason, such notice is not given to or received by the person or persons assessed, it shall in no way impair the right of the city to collect the assessment so made; in all cases in which assessments so made and returned shall remain unpaid for the space of six months from the date of confirmation, it shall be lawful to collect the same by a sale of the property assessed, and it shall be the duty of the said collector within one year after any such assessment shall have been returned to him, to make sale thereof as herein directed; he shall, before making such sale, make advertisement thereof

Collector may sell property of delinquents.

in two of the newspapers published in said city for the space of four weeks, at least once each week, giving notice of the time and place of sale together with a description of the lot or tract of land assessed by the letter or number by which it is designated on the city atlas, and specifying the amount of money so assessed, laid out and expended on the same; and he shall at the time and place so designated sell the said land and real estate at public sale for the lowest term of years at which any person will agree to take the same, not exceeding fifty years, and pay the assessment with interest thereon, and all other expenses incurred subsequent to the confirmation thereof; and thereupon the mayor of said city, at the request of the common council, and under its corporate seal, shall make, execute and deliver a declaration of sale to the purchaser thereof, and such purchaser, his executors, administrators or assigns, by virtue thereof and under the authority of this act, shall lawfully hold and enjoy the said lands and real estate, for his and their own proper use, until said term shall be fully completed and ended; and they shall be at liberty to remove therefrom all buildings and improvements they shall erect or place thereon, during the said term, and every such purchaser, his heirs and assigns, shall pay all taxes which shall be lawfully assessed against the said lands and real estate during the said term; *provided, however*, that if the owner of any such lands and real estate or any person having an estate therein or any mortgagee thereof, shall within six months after such sale pay to the purchaser, his executors, administrators or assigns, the amount of money so paid by him to said city, with the amount paid for any improvement made thereon, and all taxes paid by such purchaser, with interest at the rate of twelve per centum per annum, such owner, or person having an estate therein or mortgagee, as the case may be, shall be entitled to re-enter and repossess the said lands and real estate and hold the same, and have such rights therein as if the said sale had not been made. Proviso.

58. *And be it enacted*, That it shall be lawful for the common council in every case to cause so much of the Benefits may be assessed.

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

Council may establish street grades.

59. *And be it enacted*, That it shall be the duty of the common council to establish, by ordinance, the grades of the several streets and alleys which now are or may hereafter be opened in such city, and it shall not be lawful, after the same shall have been established, to alter the grade of any street or alley except by ordinance, nor shall any such ordinance be passed until the common council shall have caused a notice of such contemplated alteration to be served upon the owners of lots fronting or bordering upon that part of said street or alley, the grade of which which is proposed to be altered, or to be published for two weeks in two of the daily papers of such city; which notice shall state the time when the common council will proceed to consider said matter, which time shall not be less than two weeks from the time of serving or first publication of said notice; at the time said matter shall come up for consideration of the common council all persons interested may appear and be heard by themselves or their counsel for or against the alteration proposed; all changes which such alteration of grade may render necessary in gutters, sidewalks, front fences or other property of any landowner shall be made by the common council at the time of altering such grade, and said common council shall have a right to recover of any landowner who was an applicant for such alteration the expense of making such change in his or her gutter, sidewalk, front fences or other property, together with costs of suit, by an action of debt in any

Shall give public hearing before making alterations of grades.

court of competent jurisdiction, in the name of any such city, against such landowner for so much money laid out and expended by them for the use of such owner, and declare generally and give the special matter in evidence.

May regulate use of sewers and drains.

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

How assessments upon lots shall be made.

61. *And be it enacted*, That all assessments upon lot owners in said city, which may be made for any purpose authorized by this act, or to be authorized by law, shall be made upon the lots or subdivisions of lots as they stand recorded on the city atlas; and in advertising the same for such assessments or for taxes, or in entering liens thereon, it shall be sufficient to describe said lots or subdivisions of lots by the letters and numbers and streets by which they are distinguished on the city atlas, together with the name or names of the owner or owners thereof, as the same appears in th reegister by the city surveyor; if in any case the name of the owner or owners is unknown, and cannot be ascertained, such assessments may be made against the lots as so designated, with the declaration that the owner's name is unknown.

When assessments are set aside new assessments shall be made.

62. *And be it enacted*, That whenever, by the judgment of any court wherein any certiorari has been is, or may be brought, or any assessment made under the provisions of this act has been or is set aside or reversed for irregularity or informality in such assessment, it shall be lawful for the common council to cause a new assessment to be made of so much of the amount of the original assessment as may be so set aside, or of the

amount thereof still remaining unpaid, to become a lien as of the date of the confirmation of the original assessment, and to be proceeded with in all respects in conformity with the provisions of this act and the laws relating thereto.

Proceedings set aside may be re-instituted.

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

Proceedings in case assessor is interested.

64. *And be it enacted*, That whenever any public improvement shall be made, or ordered to be made, and the expense thereof ordered to be assessed by the board of city assessors, and any member of the board of city assessors shall be interested in said improvement, either as an owner of property to be taken or to be assessed, or in any other way, except merely as a taxpayer in said city, such assessor shall not be deemed competent to

assist in making the assessment connected with such improvement, but the common council shall, by a majority vote of all its members, elect some disinterested resident in said city to act with the remaining members of the board of assessors in making said assessments; such person, before entering upon his said duties, shall take and subscribe an oath or affirmation before the city clerk, to be filed by him, faithfully and honestly to perform said duties; no report of assessment shall be considered illegal in consequence of the incompetency of any of the persons making such report, if a majority of the persons making such assessments were competent and disinterested; and it shall be lawful for the common council to make such reasonable compensation for the services of any person so appointed to fill such vacancy as it may determine.

Gas, electric light and sewer plants may be condemned to public use.

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

Proviso.

PUBLIC BUILDINGS AND SO FORTH.

May erect public buildings and condemn real estate.

66. *And be it enacted*, That if in any city of this state there are not public buildings, the property of the city, suitable and proper to accommodate the different officers and departments of the municipal government, and for public and municipal uses, it shall and may be lawful for the common council of such city, by ordinance, to provide for the erection and construction of any and all such buildings, and to purchase, appropriate and condemn suitable lands and real estate therefor, and to suitably furnish and equip the same.

Proceedings in condemnation.

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

BONDS.

Council may issue bonds.

68. *And be it enacted*, That it shall be lawful for the common council, in the name of the city, under the authority of this act, to issue its corporate bonds for any sum not exceeding eight per centum of the taxable value of the property rated for assessment; and such obligations shall be issued in the name of the city and under its corporate seal, and shall be signed by the mayor and attested by the city clerk and countersigned by the city treasurer; they shall be of such denomination and bear interest at such rate, not exceeding five per centum per annum, and be payable at such times and place, not exceeding thirty-five years from the date of issue, as the common council may determine; they shall be disposed of at not less than their par value; the

proceeds of such securities may be used for the purpose of making any of the improvements authorized by this act and for other lawful purposes; *provided*, that no issue of bonds exceeding the sum of ten thousand dollars at any one time shall be made without the concurrence of two-thirds of all the members of council; *and provided*, *further*, that no permanent issue of bonds in any one year exceeding fifty thousand dollars shall be made, unless the incurring of the expenses for which said issue of bonds is to be made shall be first decided upon by a majority vote of the legal electors of any such city at a special election held for that purpose in the manner pointed out in section sixty-five of this act; in every instance the issue of bonds shall be authorized by ordinance, and the purpose for which the bonds are to be used shall be expressed therein, and the proceeds thereof shall be used for no other purpose; whenever bonds are issued to provide funds for any of the purposes authorized by this act, any part of the cost and expenses of which is authorized to be assessed upon the property benefited, the assessment for benefits in every such case shall be exclusively appropriated for the redemption of the bonds so issued, and shall be kept separate from the other funds of such city and devoted exclusively to this use; and it shall be the duty of the common council to provide by taxation in the annual tax levy of such city such sum, in addition to the benefits so assessed, as will be sufficient in every case to provide for the annual interest of the bonds so issued and a sinking fund for the redemption thereof, which shall not be less than two per centum of the amount so issued.

Proviso.

Proviso.

Sinking fund board—how constituted.

69. *And be it enacted*, That the mayor, comptroller and the city treasurer and the city solicitor, ex-officio, shall constitute a board of commissioners whose duty it shall be to take charge of the sinking fund of such city, and shall have power to make investments thereof from time to time, and to pay therefrom the obligations of the said city for which such fund is provided, as they may mature and the interest thereon as it falls due; they shall annually report to the common council the condition of the funds under their charge and the investment thereof; and the common council shall have

the power to direct the manner in which such investment shall be made.

Council may make temporary loans.

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

Issues of bonds—how regulated.

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

COMPTROLLER.

Office of comptroller may be created.

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

Comptroller shall be elected.

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

Comptroller's duties.

74. *And be it enacted*, That the said officer, before entering upon the duties of his office, shall take and subscribe, before any officer authorized to administer oaths and affirmations in this state, an oath or affirmation faithfully to execute the duties of his office to the best of his knowledge, skill and ability, which oath or affirmation shall be filed in the office of the city clerk of such city; and he shall give a good and sufficient bond for the faithful performance of the duties of his office in such sum as the common council electing him shall direct, which shall be approved by the common council, and he shall receive as compensation for his services such salary as the common council of such city shall prescribe, not exceeding two thousand dollars per annum.

75. *And be it enacted*, That it shall be the duty of such officer to sign all warrants on the city treasurer, to superintend all fiscal concerns of the city in such manner, and to report thereon at such times as the common council shall by ordinance direct; to keep separate accounts of all appropriations made by the common council to each and every department of the city government, and to require all warrants on the treasury to state particularly against which appropriation the said warrant is drawn; the said officer, on receiving a bill or warrant, shall examine the same, and if it be

for any purpose for which there is no appropriation, or the appropriation for which is exhausted, or to which for any other cause he cannot give his approval, he shall report the fact to the common council, and the warrant in such case shall not be signed except by special authority from or direction by the common council; he shall, upon the death, resignation, removal or expiration of the term of office of any officer or person who by law may be authorized to receive or disburse the moneys of such city for which said comptroller is acting as aforesaid, audit and examine the accounts of such officer or person and report the condition of his business to the common council; he shall, before the payment of any warrant against such city, first audit the bill containing or making up such claim, with a view to ascertain whether the supplies charged to the said city, or the services alleged to have been rendered, have been furnished and rendered as stated, and whether the sum or sums demanded therefor are proper, and after so auditing shall return said bill to the officer or department having control of the appropriations against which said claim is made and against which the warrant is to be drawn; he shall, as often as he may deem necessary, or as the common council may require, suggest plans to the said common council for the improvement, advantage and better management of the finances of such city; he shall have the control of the fiscal concerns of all departments and officers of the city, and may require at any time, from any and all of its departments and officers, a full exhibit of their business and a statement and account, in writing, of any or all moneys and property of said city within the control or in the hands of said department and officers, and the said comptroller shall immediately, in case of any default, delinquency or official misconduct, report the same to the common council; and in order that he may fulfill his duties and make complete audits of the account, he shall have power, whenever he shall see fit, to examine all books, papers and vouchers pertaining to any and all departments of the city's business, and shall have free and unrestrained access to them for the purposes aforesaid; and the said

officer shall also be authorized, whenever in his judgment the interests of the city shall require, to examine, under oath, any person presenting a bill or claim against such city for the payment of moneys; and also to examine witnesses and to investigate, by other evidence and inquiry, all facts relating to such claim which, in his opinion, are necessary to establish the accuracy and good faith of such claim, and to ascertain the city's liability therefor; that it shall be deemed a misdemeanor for such officer to sign any warrant or order, or otherwise procure the payment of any money from the city treasury, not authorized by law.

POLICE COURTS.

City police court shall be established.

76. *And be it enacted*, That there shall be constituted in every city a court to be called "the city police court" (inserting the name of each city), which shall have power, authority and jurisdiction as follows: The said court shall have, possess and exercise all the jurisdiction, powers and authority in civil and criminal matters which are or may be conferred upon justices of the peace in and for the several counties of this state, excepting such as are conferred on such justices of the peace by the following acts: an act entitled "An act constituting courts for the trial of small causes," approved March twenty-seventh, one thousand eight hundred and seventy-four, and the various supplements thereto; an act entitled "An act concerning landlords and tenants," approved March twenty-seventh, one thousand eight hundred and seventy-four, and the various supplements thereto; an act entitled "An act for the relief of creditors against absconding and absent debtors," approved March twenty-seventh, one thousand eight hundred and seventy-four, and the various supplements thereto; an act entitled "An act concerning forcible entries and detainers," approved April sixteenth, one thousand eight hundred and forty-six, and the various supplements thereto; and an act entitled "An act to increase the jurisdiction to justices of the peace," approved March twelfth, one thousand eight hundred and seventy-nine, which jurisdiction shall,

Jurisdiction of police court.

within the corporate limits of said city, be exclusive of all other courts, judges and magistrates, excepting the courts of oyer and terminer and general jail deliveries, quarter sessions, and special sessions of the counties of this state, and the judges thereof; and the said court shall have exclusive jurisdiction for the purpose of enforcing and recovering any penalty for the violation of any ordinance, by-law or regulation of said city, or any board thereof, and is hereby empowered, on oath or affirmation made according to law, that any person or persons has or have been guilty of any violation of any of the ordinances or regulations of said city, or any board thereof, to issue process at the suit of said city, either in the nature of a summons or warrant, as to the police justice thereof shall seem most advisable, against the person or persons, corporation or corporations so violating such ordinance or regulation, which process shall, when in the nature of a warrant, be returnable forthwith, and when in the nature of a summons, be returnable in not less than two nor more than fifteen days; such process shall state what ordinance or regulation has been violated by the defendant or defendants named therein, and on the return of such process, or at the time to which the matter shall have been adjourned, the said police justice shall proceed to hear testimony, and to determine and give judgment in the matter without the filing of any pleadings; and such police justice shall, if judgment be rendered for the plaintiff, forthwith issue execution against the goods and chattels or body of the defendant or defendants, which execution shall be executed and returned as near as may be in the manner in which executions are now by law issued and returned in courts for the trial of small causes; such police justice is further empowered to inflict and impose fines not exceeding the sum of fifty dollars on such person as shall be brought before him charged with disorderly conduct, or breach of the peace, if found guilty; or, in his discretion, to order such person committed to the city prison or county jail for any period not exceeding ninety days; *provided*, that in all cases where the penalty shall exceed twenty dollars, an appeal may be taken in the same manner as an

Powers of police justice.

Proviso.

appeal might be had from judgments in courts for the trial of small causes; and such judge is hereby empowered to cause any person or persons who shall be found guilty of the violation of any ordinance or regulation of said city or any board thereof, and any person or persons found guilty of disorderly conduct, breach of the peace, or any other offense within his jurisdiction, and who may refuse to pay any fine or penalty imposed by him by reason of the same to be sent to the city prison or county jail, for a term consisting of one day for every dollar of such fine or penalty, and each day's imprisonment of the defendant or defendants shall be taken to satisfy one dollar of such fine or penalty; the said court shall also have jurisdiction to try and determine all cases of simple assault and battery and petty larceny, where the offense is committed in the corporate limits of the city in which the court is established; *provided*, that the person or persons charged with any such offense shall, in writing, waive indictment and trial by jury.

Proviso.

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

Justice shall keep a docket subject to public inspection.

78. *And be it enacted*, That the common council shall have power, by a majority vote of all its members, to appoint a police justice of said court, who shall hold his office for the term of two years, and until his successor has been in like manner appointed; every such officer shall, before he enters upon the discharge of his duties, take and subscribe, before some person authorized to administer oaths, an oath faithfully and impartially to execute the duties imposed upon him by law, according to the best of his skill and ability; and shall

Council shall appoint police justice.

Justice shall make oath and give bond.

enter into bond to the said city, in its corporate name, in such sum and with such sureties as the common council may approve, conditioned for duly accounting to the proper authorities for all moneys that may come to his hands as such officer, and for the payment of the same on demand to the person or persons entitled to receive the same.

Form of procedure in police court.

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

80. *And be it enacted*, That in any proceeding had before such police justice for recovering the penalty for the violation of any ordinance or regulation of such city or any board thereof, such ordinance may be proved by a copy thereof certified under the seal of the city clerk, or by the introduction in evidence of any compilation of the ordinances of such city or any public board

of such city duly authorized and recognized as the ordinances of the same; and due publication of all ordinances or regulations of any public board of such city shall be presumed to have been made until the contrary is proven.

Council shall provide court room and court officers.

81. *And be it enacted*, That the common council of such city where a police court is established shall provide a suitable room or rooms for the transaction of the business of such court and procure suitable furniture therefor, and such books and stationery as may be necessary; and such common council shall designate the place in said city where such police justice shall sit for the transaction of business, and the time during which said court shall be open on each day, to the end that the administration of justice by such police justice throughout such city may be facilitated and made convenient; and it is hereby made the official duty of such justice to be in attendance at the time and place so designated; and the said common council shall designate and provide the police officer or officers to attend the sittings of such court and preserve order therein.

Shall be a court of record.

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

And make its own rules.

Shall pay over all fines, fees, etc.

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

Shall report to council all moneys received.

84. *And be it enacted*, That such police justice shall, whenever required by the common council, make a re-

port in writing of the moneys received by him as such police justice, not before reported, for fines, penalties and costs of suit, when and from whom, and for the violation of what ordinance or ordinances received, and what judgments remain unpaid; and when such written report shall have been audited by the comptroller of such city, said police justice shall, without delay, pay over to the treasurer of such city all moneys thereby appearing to be due from such police justice, taking the receipt of such treasurer for the amount so paid.

Comptroller shall audit report.

MISCELLANEOUS.

Present laws shall remain in force, and powers and duties of present officials shall apply to new officials.

85. *And be it enacted*, That all laws in force in any city of this state not inconsistent with or repugnant to the provisions of this act shall remain and continue in force, and all powers conferred and duties imposed thereby upon the governing body or any municipal officer thereof shall apply to and be conferred upon all boards and bodies hereby created and officers to be elected or appointed under the authority of this act having like or corresponding powers and duties.

Majority of voters shall give assent to this act to make it operative.

86. *And be it enacted*, That this act shall take effect immediately, but its provisions shall remain inoperative in any city of this state 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, or other legislative body of such city, of which the city 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 therein, for at least six days previous to the day of such election; and said clerk shall provide for each elector voting at such election ballots to be printed or written, or partly printed and partly written, on which shall be either the words "For the adoption for this city of the provisions of an act entitled 'An act relating to and regulating the government of cities,'" or "Against the adoption for this city of the provisions of an act entitled 'An act relating to and regulating the

government of cities;' " that the polls for such election shall be held at the usual place of holding the annual charter election in such city, and shall be opened at six o'clock in the forenoon and closed at seven o'clock in the afternoon, and such election shall be conducted by the proper election officers of such city, for the time then being, and in the manner as may then be prescribed by the law regulating elections therein, and such officers shall return to the common council, or other legislative body of such city, a true and correct statement in writing, under their hand, of the result of said election, the same to be entered at large upon the minutes of said body; and upon such adoption, and not otherwise, 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, and shall abrogate, repeal and annul all acts and parts of acts now existing, whether general or special, in any wise affecting the government of such city, which are contrary to or inconsistent with the provisions of this act. Repealer.

Approved February 4, 1895.

CHAPTER III.

An Act to render valid the proceedings of towns and other municipalities in the matter of the construction of sewers and the issuing of bonds to pay for the same.

WHEREAS, Some of the towns and other municipalities have proceeded to construct sewers and to issue or provide for the issue of bonds to raise money to pay for the same, and there are grave doubts as to the constitutionality of the laws under which such towns and municipalities have acted, because the said laws are or are claimed to be Preamble.

special; *and whereas*, such towns and municipalities should have the right to finish the construction of such sewers and to issue bonds or to provide for the issuing and sale of bonds for the purposes aforesaid; therefore,

Previous proceedings legalized and bonds ratified.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all the proceedings heretofore taken by the council of any town or municipality providing for the construction of any sewer therein and the issue and the sale, or proposed issue and sale, of any bonds to raise and pay the cost of any such sewer or sewers, shall be and the same are hereby ratified and confirmed, and the said bonds issued and sold, whether delivered or not or to be issued and sold, are hereby made valid and binding obligations upon any such town or municipality as fully and as effectually as if the said proceedings were had and the bonds issued and sold, or to be issued and sold, under an act of this legislature free from all constitutional objections, and the assessments for benefits when made shall be as valid and effectual as if likewise made under an act free from all constitutional objections.

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

Approved February 5, 1895.

CHAPTER V.

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

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That as compensation for the legislative session for which the following-named officers are elected or appointed there shall be paid to the second assistant engrossing clerk of the

house of assembly, the sum of six hundred dollars; to each additional doorkeeper of the senate, the sum of three hundred and fifty dollars; to the assistant bill clerk of the senate, the sum of five hundred dollars; to each of the two assistant bill clerks of the house of assembly, the sum of five hundred dollars; to the assistant private secretary of the speaker of the house of assembly, the sum of four hundred dollars; to the post-master of the house of assembly, five hundred dollars; to the officer known as assistant to the clerk of the house of assembly, three hundred dollars; to the clerks of the following committees of the house of assembly, namely, judiciary, corporations, railroads and canals, municipal corporations, town and townships, banks and insurance, and revision of the laws, the sum of three hundred dollars each, and to the clerks of the following committees of the senate, viz: municipal corporations and (judiciary and revision of laws) combined, the sum of ($350) three hundred and fifty dollars each.

Applies only to present session.

2. *And be it enacted*, That this act shall take effect immediately, and shall apply to the present session of the legislature only.

Approved February 6, 1895.

CHAPTER VI.

An Act concerning cities of the first class in this state, and providing for the purchase of lands and the construction and repair of buildings for high school purposes in such cities.

When appropriation may be made for land, new buildings, etc., for public schools.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever the board of education or other body having charge of the public schools in any city of the first class in this state shall, by resolution, determine that the property or buildings devoted to high school purposes in such city

are improperly located, or said buildings are unsanitary, inadequate or otherwise unsuitable for high school purposes in such city, by certificate signed by the secretary or clerk of said board or body, it shall be lawful for the common council or other governing body of such city or board having charge of the finances of such city, by resolution, to appropriate such sum of money not exceeding three hundred thousand dollars as they, in their discretion, shall determine, for the purchase of lands and the erection of buildings and the furnishing of the same, or for the repair and improvement of buildings, and for the furnishing of the same, used or to be used for high school purposes.

Governing body may borrow money and issue bonds.

2. *And be it enacted*, That such city, by or through its common council or other governing body or board having charge of the finances of such city may, from time to time or at once, as may be deemed most advantageous for the credit of such city, borrow the money so appropriated by the common council or other governing body of such city, pursuant to the provisions of this act, and may issue bonds of such city to the amount so appropriated and may negotiate and sell the same at any sum not less than par, and the money so raised by the sale of such bonds shall, upon the books of the said city, be carried to the credit of the board of education or other governing body having charge of the public schools of such city, to be used by such board or body for the purposes provided for in this act and for no other purpose whatsoever ; said bonds so to be issued shall be made payable in not less than twenty nor more than thirty years, shall bear interest at a rate not greater than four per centum per annum, payable semi-annually, and may be registered or coupon bonds, or may be registered and coupon bonds combined, at the option of the city; and there shall be raised by tax in each year, the interest on the whole amount of the bonds so issued, together with three per centum for the purposes of a sinking fund, to be paid to the commissioners of the sinking fund of said cities, for the purpose of meeting the said bonds as they may become due.

And purchase lands and erect buildings.

3. *And be it enacted*, That when, pursuant to the provisions of this act, the common council, or other

governing body of any such city or board having charge of the finance of such city, shall have appropriated for the purposes of this act any sum or sums of money, it shall be the duty of the board of education or other body having control of the schools of such city, to at once proceed to purchase lands and erect buildings suitable and adequate for high school purposes in said city, or to reconstruct, repair, improve and furnish such buildings; *provided*, *however*, that no lands shall be purchased for the purpose of erecting thereon a high school, except with the concurrence and approval of the common council, or other governing body of such city or board having charge of the finances of such city, which concurrence shall be expressed by resolution of the said common council, or other governing body or board having charge of the finances of such city, and the title to all lands so purchased shall be in the mayor and common council of such city. Proviso.

4. *And be it enacted*, That all moneys raised by the sale of bonds, or otherwise, pursuant to the terms of this act, and carried to the account of the board of education, or other body having charge of the public schools in any city of the first class in this state, shall be carried in an account to be designated "high school construction account," and all warrants drawn by the board of education, or other body having control of the public schools in any such city upon this account, shall have stamped or printed thereon conspicuously the words "high school construction account," and such warrants in other respects shall conform to the warrants now required by law for the drawing of moneys from the city treasurey for the construction of other school buildings in such cities. How funds shall be kept and disbursed.

5. *And be it enacted*, That this act shall take effect on May fifteenth, one thousand eight hundred and ninety-five.

Approved February 11, 1895.

CHAPTER VII.

A SUPPLEMENT to an act entitled "An act to provide for the division of incorporated towns, townships and boroughs into wards, and to regulate representation therein," passed February fifteenth, one thousand eight hundred and eighty-six.

Proceedings for division—when and how taken.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in cases wherein any incorporated town, township or borough shall have been or shall hereafter be divided into not more than three wards, pursuant to the provisions of the act to which this is a supplement, and there shall have been polled in any one of such wards at any subsequent election more than six hundred legal votes, it shall be lawful for the governing body of said municipality, at least fifteen days before the annual municipal election next succeeding the approval of this act, in case such votes have been heretofore polled, and in other cases at least fifteen days before the annual municipal election next succeeding such future election at which such votes may be hereafter polled, by resolution passed by a majority of their number at a special meeting held for that purpose, of which meeting notice, in writing, signed by the clerk of said municipality, shall be set up at five of the most public places therein, for at least five days prior to said meeting, to redivide said incorporated town, township or borough into not less than three and not more than five wards, each of which shall consist of contiguous territory, having regard in making such division to equality of representation and to designate such wards by names or numbers.

How governing body shall be constituted and elected.

2. *And be it enacted*, That from and after the annual municipal election next succeeding such redivision the township committee or other governing body of every such incorporated town, township or borough shall

consist of seven persons, in case said division is into three wards, and of nine persons in case such division is into four wards, and of eleven persons in case said division is into five wards, two of whom shall be elected by the legal voters of each ward, and one of whom shall be elected by the legal voters of the municipality at large; that at the annual municipal election next succeeding such division the legal voters in each ward shall elect by ballot one person to serve as a member of the township committee or other governing body for the term of one year, and one for the term of two years, and the legal voters of said municipality, voting in their respective wards, shall at the same time elect one person from the municipality at large to serve as a member for the term of one year, and annually thereafter there shall be elected in and for each ward one person to serve as a member of said governing body for the term of two years, and by the legal voters of the municipality at large, voting in their respective wards, one member for the term of one year; *provided*, that if at the date of the first election under this supplementary act the term of office of a member of the township committee or other governing body theretofore elected to represent a municipal subdivision or ward shall not have expired, then and in that case such member shall serve out his term of office as a representative of the ward in which his residence may be, and nothing in this act shall be so construed as to give more than two ward representatives to any ward. Proviso.

3. *And be it enacted*, That in cases wherein any incorporated town, township or borough shall have been divided into four or more wards under the provisions of this act, and the legal voters resident in any one of said wards, and owning more than one-half in assessed value of the real estate in such ward, shall petition the township committee, or other governing body of said municipality, within ten days after the organization of said governing body, and request that the money to be levied, assessed and collected within such ward for that year for street paving, road repairs, road construction, cross-walks, sidewalks, street lighting and water purposes shall be expended for said purposes within the Proceedings for raising money for public improvements.

limits of said ward, then it shall not be lawful for the said governing body to expend the money assessed and collected for the said purposes within said ward, otherwise than in accordance with the request of such petition, unless such expenditure thereof shall be assented to by both of the representatives of said ward in said governing body.

Repealer.

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

Approved February 12, 1895.

CHAPTER VIII.

An Act abolishing days of grace.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That on all notes, drafts, checks, acceptances, bills of exchange, bonds or other evidences of indebtedness made, drawn or accepted by any person or corporation after this act shall take effect, and in which there is no expressed stipulation to the contrary, no grace, according to the custom of merchants, shall be allowed, but the same shall be due and payable, as therein expressed, without grace.

Repealer.

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

Approved February 12, 1895.

CHAPTER IX.

A Supplement to an act entitled "An act to authorize the inhabitants of the several townships of this state to vote by ballot at their town meetings," approved March twenty-second, one thousand eight hundred and sixty.

Commissioners of appeal to be elected for three years.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in the several townships of this state the commissioners of appeal shall hereafter be elected for the term of three years; *provided, however*, that at the first annual town meeting held in such townships after the passage of this act, the said commissioners of appeal shall be elected for one, two and three years respectively, and at each succeeding election one commissioner of appeal shall be elected for the term of three years.

Proviso.

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

Approved February 12, 1895.

CHAPTER X.

An Act to authorize the counties of this state to renew matured and maturing bonds.

Board of Chosen freeholders may renew maturing bonds.

1. BE IT ENACTED, *by the Senate and General Assembly of the State of New Jersey*, That whenever any bonds heretofore legally issued by the board of chosen freeholders of any county in this state, under the authority of law, are now due and unpaid, or shall here-

after become due, the board of chosen freeholders of any such county may renew ninety per centum of said indebtedness, or any less part thereof, by the issuing of bonds for that purpose in the corporate name and under the corporate seal of such county, signed by the director and attested by the clerk of the board of chosen freeholders of any such county; which bonds shall be made payable at periods of time not exceeding twenty years from the date of issuing the same, and shall draw such rate of interest not exceeding five per centum per annum, and be issued in such sums, not less than one hundred dollars nor more than one thousand dollars, as the said board of chosen freeholders shall by resolution determine, and which bonds shall, except as hereinafter provided, have coupons attached for every year's interest until due, and which coupons shall be signed by the collector of said county, and numbered to correspond with the bond to which they shall be respectively attached; and when the said board judge best said bonds, or any of them, may be registered and made payable to the order of the purchaser, and shall thus be registered as provided by said board, and issued without coupons, and be transferable only in person, or by power of attorney, on the books to be provided by said board for that purpose; and all bonds issued under this act shall be numbered, and a register of the number, denomination, date of issuing and name of person to whom issued, if registered, and time of payment shall be made by the collector in a book to be provided by said board for that purpose; which bonds may be sold at public or private sale for the best price which can be obtained for the same, but shall not be for less than the par value, and all the real estate and property within the 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, but nothing in this act contained shall be held to permit any board to issue bonds the legality of which is now questioned or contested in any court of this state or of the United States, nor to renew or re-issue bonds held by any such court not to have been legally issued.

And regulate issue of new bonds.

2. *And be it enacted*, That the board of chosen free-

holders of any such county shall have power and authority to provide by taxation for the payment of said bonds and the interest thereon, and shall yearly, and every year until the said bonds shall be redeemed and paid off, order and cause to be assessed and collected by tax, at the same time and in the same manner that other taxes in any such county are assessed and collected, a sum of money sufficient to pay the interest on the said bonds as the same shall become due and payable, and to pay and discharge the principal at the several times it shall become due and payable. Payment to be provided by taxation.

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

Approved February 12, 1895.

CHAPTER XI.

An Act authorizing the sinking fund commissioners of certain cities in this state to cancel the municipal bonds of such cities held by them for the redemption of the debts of their respective cities.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever the municipal debt of any city in this state exceeds, or shall hereafter exceed fifteen per centum of the assessed valuation of the real and personal property in such city for purposes of taxation, it shall be lawful for the commissioners of the sinking fund of such city to cancel all bonds that have been or may hereafter be purchased by them for the redemption of the debts of such city notwithstanding such bonds may not be by their terms due and payable at the time of such purchase. Sinking fund commissioners may cancel redeemed bonds.

2. *And be it enacted*, That all acts and parts of acts, general, special or local, and inconsistent herewith, be Repealer.

and the same are hereby repealed, and that this act shall take effect immediately.

Approved February 12, 1895.

CHAPTER XII.

An Act for the establishment and government of a naval reserve of New Jersey.

Naval reserve may be organized.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the commander-in-chief be and is hereby authorized to organize a naval reserve by voluntary enlistment for the defense of the sea-coasts and navigable waters; in time of peace there shall not be maintained more than two such battalions organized as herein provided and which shall constitute the naval reserve of the state of New Jersey, but the commander-in-chief shall have power in case of war, insurrection, invasion or imminent danger thereof, to increase the force beyond such limit of two battalions and to organize the same as the exigencies of the service may require; the commander-in-chief may alter, annex, divide, consolidate or disband the said naval reserve or any battalions or divisions thereof, whenever, in his judgment, the efficiency of the state service will thereby be increased.

Where located.

2. *And be it enacted*, That one battalion shall have headquarters at Jersey City, and be known as the battalion of the east; one battalion shall have headquarters at Camden, and be known as the battalion of the west.

How officered.

3. *And be it enacted*, That to each naval battalion there shall be a commander, who shall command the same; one lieutenant-commander, who shall act as executive officer, who shall be next in rank, and one lieutenant, who shall act as navigator; these officers shall be chosen by the commissioned officers of their respective naval battalions; each battalion shall consist

of not less than two nor more than four divisions; to each division there shall be one lieutenant to command the same, one lieutenant (junior grade), two ensigns, all chosen by the divisions, and thirty-six petty officers and seamen as a minimum, and eighty-one petty officers and seamen as a maximum; to each division there shall be allowed such and so many petty officers as the commander-in-chief shall from time to time prescribe, which officers shall be nominated by the commander of the division to the commander of the battalion of which such division is a part, who shall appoint and issue warrants to the persons so nominated when approved by him or order new nominations when disapproving.

Commander's staff—how constituted.

4. *And be it enacted*, That the commander shall have power to nominate on his staff one adjutant, one ordinance officer, one paymaster, one surgeon, each with the rank of lieutenant (junior grade), one assistant surgeon, with the rank of ensign; the non-commissioned staff of the battalion shall consist of one master-at-arms, two yeomen and one chief bugler, who shall be appointed by the commander and warranted by him.

Uniform and insignia of rank.

5. *And be it enacted*, That the uniform of the naval reserve and the insignia and designation of grade and rank shall be prescribed by the state military board, which may change and modify the same from time to time.

Duties.

6. *And be it enacted*, That the naval reserve shall perform the same amount of duty in each year as is required of the national guard, except that such duty, or any part of it, may be performed afloat.

Pay of officer and men.

7. *And be it enacted*, That officers and enlisted men of the naval reserve shall be paid for active duty in such amount only as is allowed to officers and enlisted men having the some relative rank or position in the national guard; members of naval courts shall receive the same compensation for service as members of similar courts in the national guard.

Discipline.

8. *And be it enacted*, That the system of discipline and exercise of the naval reserve shall conform generally to that of the navy of the United States, prescribed by congress; all matters relating to the organization, discipline and government of the naval reserve

not otherwise provided for in this article, or in the general regulations, shall be decided by the custom and usage of the national guard, if applicable, and if not applicable, by the custom and usage of the United States navy.

Commander—rank of and how chosen.

9. *And be it enacted*, That the naval reserve shall be commanded by a captain, who shall be chosen by the commanders and lieutenant-commanders of the naval reserve when two battalions shall have been completely organized; the captain shall have power to appoint a staff, to consist of an aide, a paymaster and a surgeon, each of the grade of lieutenant.

Rank of officers defined.

10. *And be it enacted*, That the rank given in this article is naval rank; the relative rank of officers in the naval reserve and in the national guard is as follows: captain with colonel, commander with lieutenant-colonel, lieutenant-commander with major, lieutenant with captain, lieutenant (junior grade) with first lieutenant and ensign with second lieutenant; the relative position of seamen shall be that of private in the national guard, and the relative position of petty officers in the naval reserve, and non-commissioned officers in the national guard, shall be determined by the state military board.

Courts of—how composed, etc.

11. *And be it enacted*, That the appointment, composition and powers of naval boards, delinquency courts, courts of inquiry and courts-martial shall be as is now provided by the military law of New Jersey for similar bodies in the national guard.

Divisions of—how treated.

12. *And be it enacted*, That the divisions in the naval reserve shall be considered the equivalent of companies of the national guard, and the battalions shall be treated as battalions in the national guard not parts of a regiment.

Rules and Regulations.

13. *And be it enacted*, That the state military board shall make and publish regulations for the government of the naval battalions, which regulations shall conform as nearly as practicable to those governing the United States navy; the members of each battalion and division may form themselves into an organization and adopt by-laws in the same manner, with the same powers and subject to the same limitations as are now

prescribed for members of companies in the national guard.

Armories—where to be located—and how defined.

14. *And be it enacted*, That the armories of the naval battalions shall be situated on or near the navigable waters of the state, in such position as best to promote the efficiency of the service; the word "armory," as used or applied to the laws relative to the New Jersey naval reserve, shall be held to include a vessel anchored, moored or secured to the land, while used only as an armory for the purpose of instruction, drill or defense.

Quartermaster general shall furnish arms, etc.

15. *And be it enacted*, That the quartermaster-general shall, upon due requisition therefor, approved by the commander-in-chief, furnish the naval battalions with suitable arms, uniforms, equipments and colors, in such number and quantity as are furnished to the national guard.

When additional divisions may be organized.

16. *And be it enacted*, That the commander-in-chief, whenever it shall in his judgment be necessary or advisable for the public interest, may cause to be organized additional divisions of the naval reserve, not to exceed two, which divisions shall be attached to the battalions authorized herein, as the commander-in-chief may direct.

Expenses provided for.

17. *And be it enacted*, That the commander-in-chief is authorized and empowered to make his requisition upon the treasurer, to meet the necessary and proper expenses to carry out the provisions of this act in such amount and not more for each division of naval reserve than is now allowed for a company of infantry.

Repealer.

18. *And be it enacted*, That all acts and parts of acts not consistent with the provisions of this act, be and the same are hereby repealed.

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

Approved February 12, 1895.

CHAPTER XIII.

AN ACT in relation to the manner of paying teachers in the public schools of certain cities in this state, and giving the common council or other governing body power in relation thereto.

Governing body may provide for manner of payment of teachers.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the common council or other governing body in any city of the first class of this state to provide by ordinance for the manner in which payments shall be made to teachers of the public schools in such cities, and for the form and manner in which warrants upon the public treasury of any such city shall be drawn and signed for this purpose; and all payments and disbursements made, and all warrants drawn in accordance with the terms of an ordinance duly passed for that purpose, in any such city, shall be deemed and taken to be in all respects regular and lawful.

Repealer.

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

Approved February 14, 1895.

CHAPTER XIV.

A Further Supplement to "An act for the construction, maintenance and operation of water works for the purpose of supplying cities, towns and villages of this state with water," approved April twenty-first, one thousand eight hundred and seventy-six.

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

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That any number of persons, not less than seven, a majority of whom shall reside in this state, may form a company for the purpose of constructing, maintaining and operating water works in any city, town, township, village, seaside resort or borough in this state having a population of not more than fifteen thousand and not less than five hundred, and for the purpose of supplying such city, town, township, village, seaside resort or borough, and the inhabitants thereof, with water. Who may form company.

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

Approved February 14, 1895.

CHAPTER XV.

An Act fixing the time for holding the annual or charter elections of cities of the second class in this state.

When elections shall be held.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in all cities of the second class in this state the annual or charter elections thereof shall be held on the second Tuesday in April.

Repealer.

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

Approved February 14, 1895.

CHAPTER XVI.

An Act to provide for the purchase of water works and water-supply plants and the operation of the same, and to provide the money necessary for the purchase thereof in townships of this state.

Township committee may purchase plant.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the township committee in the townships of this state to purchase any system of water works or water-supply plant now constructed and in successful operation in such township, owned and operated by any person, persons or corporation, upon such terms as may be agreed upon by said township committee and the said person, persons or corporation owning and operating the said system of water works or water-supply plant.

2. *And be it enacted*, That before the township committee of any township of this state shall purchase or enter into any contract for the purchasing of any water works or water-supply plant, such township committee shall, by resolutions, submit to the legal voters of any such township, the question whether such township will purchase such water works or water-supply plant; if the proposition be to purchase any system of water works or water supply plant, the ballot to be deposited by those in favor of such proposition shall have printed or written thereon the words "in favor of purchasing water works or water-supply plant," and the legal voters opposed to the purchasing of water works or water-supply plant shall deposit a ballot with the words "opposed to purchasing water works or water-supply plant," printed or written thereon; there shall be a canvass upon the return of the votes upon the question submitted, made by the board of registry and election in the same manner as for officers voted for at any charter or municipal election; and if a majority of the ballots on which there shall be either the words "in favor of purchasing water works or water-supply plant," or "opposed to purchasing water works or water-supply plant," be found to be in favor of purchasing such water works, it shall then be lawful for the said township committee to purchase a system of water works or water-supply plant in conformity with the first section hereof.

Election shall first be held.

Form of ballot.

Returns shall be canvassed.

3. *And be it enacted*, That the township committee of any such township may submit the question of purchasing a water works or water-supply plant to the legal voters of any such township at a special election to be held for that purpose, causing thirty days' notice of such election to be posted in five conspicuous places in such township, and to be published in two or more newspapers printed and published in such county and circulating in said township, which notice shall be signed by the township clerk, and shall state the time and purpose of said election, and place where the same will be held in the several precincts or voting divisions in said township.

Notice of election shall be posted and published in newspapers.

4. *And be it enacted*, That the said election shall be held and conducted on the day appointed by the town-

How election shall be conducted.

New Jersey State Library

ship committee of said township by the board of registry and election and registry or poll clerks that held the last annual or municipal election in such township, in conformity with an act of the legislature of the state of New Jersey, approved May twenty-eighth, one thousand eight hundred and ninety, entitled "A further supplement to an act entitled 'An act to regulate elections,'" approved April sixteenth, one thousand eight hundred and seventy-six, and the supplements to said act of May twenty-eighth, one thousand eight hundred and ninety, except as herein otherwise provided; there shall be no registration for such elections, but said board of registry and election shall procure and use at such special election a certified copy of the register of the voters filed with the clerk of said township; and no person shall be entitled to vote whose name does not appear on said registry.

Clerk shall provide polling places.

5. *And be it enacted*, That it shall be the duty of the clerk of such township to provide a room in such election district in which to hold said election, and to notify the clerks and board of registry and election that said room has been procured and where the same is located, in conformity with the act above mentioned, but said clerks shall not have booths or apartments prepared in said rooms, nor shall any booths or apartments be used at such election.

Official ballot not required.

6. *And be it enacted*, That at such election the persons entitled to vote therein shall vote by ballot, and each voter shall give his vote by a single ballot, which shall be a paper ticket, on which shall be written or printed the words provided for in the second section of this act; and no official ballot or official envelope shall be required at such special election.

Election board shall fill vacancies.

7. *And be it enacted*, That if at the hour of seven o'clock in the morning of the day of such election, or at any other time during such election, any member of the board of registry and election, or any registry or poll clerk, shall be absent from the place where such election shall be appointed to be held, or shall be disqualified, or being present shall neglect or refuse to perform the duties of such office, it shall be the duty of such board to appoint some other person, qualified to

vote in said election, in said election district, who shall then and there be present, to fill such vacancy.

Committee may issue bonds

8. *And be it enacted*, That in order to provide for the purchase of a system of water works or water supply plant under the provisions of this act, it shall be lawful for the township committee of such township, in the corporate name of the said township, to issue its bonds in any sum not exceeding in the aggregate five per centum of the taxable valuation of each township, as shown by the tax valuation, to be designated "water bonds," which shall run for any period not exceeding thirty years, and bear interest at any rate not exceeding five per centum per annum, payable semi-annually, which bonds may be sold and disposed of by the township committee of such township at any sum not less than par, the proceeds of which shall be devoted exclusively for the purchase of a system of water works or water-supply plant owned and operated by any person, persons or corporation; and it shall be the duty of the said township committee to provide by taxation the amount of money necessary to pay the interest on the said bonds so authorized to be issued as the same falls due, and the principal of the said bonds when the same shall mature, and every such township shall have authority to levy and collect taxes for this purpose in case the rents and income from the operation of the said system of water works or water-supply plant shall not be sufficient to provide for the interest on the said bonds, and the payment of the said bonds at their maturity, after deducting such sums from the rents and income as may be necessary to extend the said system of water works or to make repairs thereto.

And raise money to pay same by taxation.

Deficiencies, extensions and repairs—how provided for.

Committee may regulate management of water works.

9. *And be it enacted*, That it shall be lawful for the township committee of such township, from time to time, to pass such ordinances as may be necessary for the proper management, control and operation of the said system of water works or water-supply plant, and to appoint such officers as may be necessary, and to define their respective duties and term of office and compensation, and to enforce the collection of the rents, rates and charges in any court of law in this state in the corporate name of the said township.

Repealer.

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

Approved February 14, 1895.

CHAPTER XVII.

An Act to amend an act entitled "An act relating to cities of the first class in this state, and requiring the publication of names of applicants for licenses to sell spirituous, vinous, malt or brewed liquors," approved March seventeenth, one thousand eight hundred and ninety-two.

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

Municipality shall pay advertising bill's.

2. *And be it enacted*, That the cost of publication and proof required by the first section of this act shall be paid by the said municipality to said newspapers in the same manner as the other bills of said municipality are paid, and the amounts thus paid for publication shall be deducted from the whole amount of license fees received by said city before such license fees shall be carried to any special fund or funds to which the same may be appropriated; *provided*, that the costs of the insertion of the publication required as aforesaid in any such daily newspaper, including the cost of proof of such publication, shall not exceed the sum of ten cents per applicant for each of said insertions.

Proviso.

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

Approved February 14, 1895.

CHAPTER XVIII.

A Supplement to the act entitled "An act relating to and regulating the government of cities," approved April twenty-fourth, one thousand eight hundred and ninety-four.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the provisions of the act entitled "An act relating to and regulating the government of cities," approved April twenty-fourth, one thousand eight hundred and ninety-four, shall not apply to or affect any city of the first class of this state. Not to apply to cities of the first class.

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

Approved February 18, 1895.

CHAPTER XX.

An Act to repeal an act entitled "A further supplement to 'An act to re-organize the board of chosen freeholders in counties of the first class in this state,' approved April third, one thousand eight hundred and eight-nine," being chapter seventy-four of laws of the year one thousand eight hundred and ninety-two, which further supplement was approved March seventeenth, one thousand eight hundred and ninety-two.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the act enti- Act repealed.

tled "A further supplement to 'An act to re-organize the board of chosen freeholders in counties of the first class in this state,' approved April third, one thousand eight hundred and eighty-nine," being chapter seventy-four of the laws of the year one thousand eight hundred and ninety-two, which further supplement was approved March seventeenth, one thousand eight hundred and ninety-two, be and the same is hereby repealed.

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

Approved February 18, 1895.

CHAPTER XXI.

An Act in relation to the writ of quo warranto.

Supreme court may determine title to office and enforce judgment.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in all actions of quo warranto, the supreme court may, if the writ, return and pleadings are properly framed for the purpose, determine by its judgment, not only the title of the respondent to the office or franchise in question, but also the title of the relator or relators to the same office or franchise, and shall have power, by appropriate process or orders, to enforce its said judgment.

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

Approved February 18, 1895.

CHAPTER XXII.

An Act concerning the formation of borough governments.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That no election for the formation of any borough government shall hereafter be ordered unless the petition for that purpose shall be signed by persons owning at least one-half in value of the taxable real estate in the limits of the proposed borough, as the same appears upon the assessor's duplicate of the township; *provided*, *also*, that in case said proposed borough shall embrace parts of more than one township no such election shall be ordered unless said petition be signed by persons owning at least one-half in value of such real estate in the limits of said proposed borough, in each of the townships. Elections for formation of boroughs to be ordered only on petition. Proviso.

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

Approved February 18, 1895.

CHAPTER XXIII.

An Act concerning the office of overseer of the poor in certain cities in this state.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in all cities in this state, having a population of not less than fifty-five thousand, the common council, board of aldermen or other governing body of such city, shall, within one Governing body shall appoint overseer.

month after this act shall take effect therein, appoint an overseer of the poor in lieu of and to be substituted for, and to act in the place of, and who shall be invested with and shall have all the powers and perform all the duties of such officer, by whatsoever title he may be now designated by law, to act in such office.

Term of office.

2. *And be it enacted*, That such officer shall be appointed for two years and until his successor shall be appointed and shall receive such salary as the body appointing him shall prescribe; and the term of office of every person holding such an office in any such city at the time of such appointment, by whatsoever name the same may be known, shall end at such appointment, and every such officer whose term of office shall so end shall immediately deliver up his office and all property, books and papers, matters and things whatsoever connected therewith, to his successor.

Term of incumbent shall end.

Repealer.

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

Approved February 18, 1895.

CHAPTER XXIV.

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

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the fifty-seventh section of the act entitled "An act respecting conveyances" [Revision], approved March twenty-seventh, one thousand eight hundred and seventy-four, shall hereafter read as follows:

Section amended

57. *And be it enacted*, That all acknowledgments or

proofs of deeds heretofore made or taken, or hereafter to be made or taken, after the lapse of ten years from the date of such acknowledgment or proof, notwithstanding any errors or imperfections in said acknowledgements or proofs, shall be taken and held to be good and sufficient in law; *provided, however*, that all such deeds shall have been duly recorded, and that this act shall be construed to apply to deeds executed by married women, and such deeds shall be sufficient to convey their estates in the lands described therein, whether the execution of the same shall have been acknowledged by such married women or their execution thereof proved by the oath of a subscribing witness thereto. Proviso.

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

Approved February 18, 1895.

CHAPTER XXV.

An Act respecting certain township officers in townships whereof the territorial limits have been or shall hereafter be changed or altered.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever the territorial limits of any township have been or shall be altered or changed by taking or setting off and excluding therefrom the portion thereof which is included within the corporate limits of a town or city lying within said township, then and in such case all the township officers of said township excepting the assessor, collector and chosen freeholder shall retain, hold and exercise their respective offices in and for said township with the powers and privileges thereto belonging until the expiration of the terms of office for which they were severally elected. Township officers shall hold till terms expire. Exceptions.

2. *And be it enacted*, That the township assessor and

Township assessor and collector, if residents, shall be officers of town or city set off.

collector of said township, if they reside within the part of said township that has been set off, shall cease to be officers of said township, but shall exercise and enjoy the office of assessor and collector respectively in said town or city so set off as aforesaid, until the terms for which they were elected shall expire and until their successors are elected; *provided*, that the offices of assessor and collector exist under and by virtue of the provisions of the charter of said town or city or are authorized therein by any law of this state.

Proviso.

Chosen freeholders shall hold office for ward in which he resides.

3. *And be it enacted*, That if the chosen freeholder of said township resides in the incorporated town set off as aforesaid, and said town shall be entitled to elect freeholders by wards, then said chosen freeholder shall hold his said office until the expiration of his term and until his successor is elected as the chosen freeholder from the ward in which he resides, and his successor shall be elected for a term ending at the same time as the terms of the other chosen freeholders of said town or city.

Repealer.

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

Approved February 18, 1895.

CHAPTER XXVI.

An Act in relation to debts fraudulently contracted and obligations fraudulently incurred.

Proceedings in case of fraud.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever a debt shall be fraudulently contracted, or an obligation shall be fraudulently incurred, it shall be lawful for the party defrauded to institute a suit, action or proper proceedings at any time after such a debt was so fraudulently contracted, or such obligation fraudulently incurred, to recover the money owing on any such contract or obligation, or thereby contracted to be paid, notwithstanding the fact that by the terms of any such contract or obligation, the debt contracted or the money secured to be paid thereby shall not then be due or payable, and that in such cases, upon discovery of the fraud, the party defrauded may either rescind the contract wholly, and recover any property so obtained by fraud, or may at any time proceed by action on contract for the recovery of the moneys owing thereon, and that in all the cases mentioned in this section, the plaintiff or complainant in such action, suit or proceeding shall be entitled to all the remedies and processes to which he would be entitled in case the said debt or obligation was due and payable at the time of the beginning of such suit, action or proceeding.

Act to be liberally construed.

2. *And be it enacted*, That this act shall be construed in all courts of judicature in the most liberal manner for the detection of fraud, the advancement of justice and the benefit of creditors, and that this act shall take effect immediately.

Passed February 19, 1895.

CHAPTER XXVII.

An Act in relation to the organization, powers and jurisdiction of district courts.

Provisions of former act extended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the provisions of an act entitled "An act to regulate the practice of courts of law," approved March tenth, one thousand eight hundred and ninety-three, and being chapter ninety-seven of the laws of one thousand eight hundred and ninety-three, and any and all supplements thereto, heretofore passed, or hereafter to be passed, be and the same are hereby extended to any and all district courts, whether organized under a general or special law.

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

Passed February 19, 1895.

CHAPTER XXVIII.

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

Preamble.

WHEREAS, The Palisades situate in this state are liable to be irreparably injured or destroyed unless measures be adopted for the preservation thereof; *and whereas*, by the insertion or imposition of proper and appropri-

ate terms, conditions, restrictions and limitations in leases, grants and conveyances of the lands lying under water adjacent to or in front of the Palisades, the threatened injury or destruction thereof may in a great degree be averted;

Leases and grants in front of Palisades subject to certain conditions, &c.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That hereafter the the riparian commissioners shall not make any lease, grant or conveyance of any lands lying under the waters of the Hudson river adjacent to or in front of the Palisades or adjacent to or in front of the strip of land between the base of the Palisades and the lands under water, unless there be inserted in the lease, grant or conveyance such terms, conditions, restrictions and limitations as will, so far as possible, forever thereafter preserve unbroken the uniformity and continuity of the Palisades, and also, so far as possible, prevent the lands leased, granted or conveyed from being in any way used or devoted to injurious or destructive work or operations against the Palisades or in connection with or for the encouragement, aid or promotion of injurious or destructive work of any kind against the Palisades.

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

Approved February 19, 1895.

CHAPTER XXIX.

An Amendment to an act entitled "An act to authorize the purchase or acquirement of lands for school purposes and the construction of school houses," being the title of the act as amended by chapter fifty-nine of the laws of one thousand eight hundred and eighty-eight, approved February twenty-second, one thousand eight hundred and eighty-eight.

1. BE IT ENACTED, *by the Senate and General Assembly of the State of New Jersey*, That section two of an act entitled "An act to amend an act entitled 'An act for building school-houses in townships,' approved March eleventh, one thousand eight hundred and eighty," being chapter fifty-nine of the laws of one thousand eight hundred and eighty-eight, which amendment was approved February twenty-second, one thousand eight hundred and eighty-eight, be and the same is hereby amended so as to read as follows:

2. *And be it enacted*, That section one of the act entitled "An act for building school-houses in townships," approved March eleventh, one thousand eight hundred and eighty, be and the same is hereby amended so as to read as follows:

Section amended

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for any school district of this state at their annual meeting or at any special meeting called for that purpose upon legal notice, by a majority vote of the persons present at any such meeting, to vote and appropriate money for the purchase or acquirement of lands and the construction of a school-house, or for the purchase or acquirement of additional lands to increase the present school grounds of said district, at such place in said school district as the school trustees thereof may desig-

nate, and for that purpose the said trustees may acquire the said land by purchase or condemnation, provided a majority of the persons present at any such meeting shall vote on any proposition presented for the condemnation of lands; and any money heretofore raised by tax for any of the purposes aforesaid in any school district, and not otherwise appropriated or expended, may be used for such purpose upon the order of the school trustees of such district.

Repealer.

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

Approved February 19, 1895.

CHAPTER XXX.

An Act to enable cities to lease lands for school purposes and to raise money to build school-houses thereon.

Governing body may lease lands and raise money.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the city council or other legislative body of any city in this state to lease lands for a term not less than ninety-nine years, for the erection of school-houses thereon, and to raise money for such purpose by a loan on the credit of the city to an amount not exceeding forty thousand dollars.

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

Approved February 19, 1895.

CHAPTER XXXI.

An act relating to street railways.

Company may change gauge of tracks.

1. BE IT ENACTED, *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for any street railway company which now uses the tracks of another street railway company as a part of its route to change the gauge or width of its tracks to conform to the gauge or width of the tracks of the company whose tracks it so uses as a part of its route.

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

Approved February 19, 1895.

CHAPTER XXXII.

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

Deputy county clerk may act as commissioner of deeds.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That hereafter the deputy county clerk in any county of this state be and he hereby is authorized, during his continuance in office, to perform all the duties and exercise all the powers belonging to the office of commissioner for taking the acknowledgment and proofs of deeds; and which deputy county clerk, upon taking any acknowledgment and proof by virtue of the powers conferred by this act, shall affix to his signature the words "deputy county clerk."

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

Approved February 19, 1895.

CHAPTER XXXIII.

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

WHEREAS, By reason of the change in the boundaries of school districts the school census taken in May, one thousand eight hundred and ninety-four, is not a correct census of the number of children between the ages of five and eighteen years, who were residents on the thirty-first day of May last of the several school districts in this state as they now exist; *and whereas*, it is necessary that the school census taken as aforesaid be revised and the children credited to the districts in which they reside; therefore, Preamble.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the state superintendent of public instruction shall have power, and it shall be his duty, to cause the school census taken during the month of May, one thousand eight hundred and ninety-four, to be revised and corrected in accordance with the rules adopted by the state board of education, as provided in the second section of this act, so that it shall be a correct statement of the number of children between the ages of five and eighteen years who were residents on the thirty-first day of May last of the several school districts in this state as said districts are constituted on the first day of April, one thousand eight hundred and ninety-five. School census of 1894 shall be revised and corrected.

State board of education shall adopt rules therefor.

2. *And be it enacted*, That it shall be the duty of the state board of education to adopt such rules, as in its judgment it may deem necessary, as will secure a just and equitable revision of the school census taken in May, one thousand eight hundred and ninety-four.

Expenses shall be paid by state treasurer.

3. *And be it enacted*, That all expenses incurred in carrying out the provisions of this act shall be paid out of any moneys in the state treasury not otherwise appropriated, on the warrant of the comptroller, upon bills duly certified by the state superintendent of public instruction and approved by the state board of education.

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

Approved February 19, 1895.

CHAPTER XXXIV.

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

Juries shall consist of six men.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That hereafter the jury of view and inquiry provided for in said act shall consist of six good and lawful men of the same county.

Fee

2. *And be it enacted*, That the said jurors shall receive a fee of one dollar each in each case and no more.

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

Approved February 19, 1895.

CHAPTER XXXV.

An Act concerning the making and collecting of assessments for benefits conferred, by the construction of sewers and drains.

Assessment for benefits shall extend throughout the sewerage district.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That where in any city, or other municipality, sewers or drains have been or may be constructed, forming part of a general system of sewerage or drainage for such city, or other municipality, or part or parts thereof, it shall and may be lawful in assessing the benefits conferred, by the construction of any main, trunk, or intercepting sewer or drain, forming a part of such system, to assess such benefits not only upon the lands and real estate fronting or abutting on the line thereof, but also upon all the lands and real estate situate in and throughout the entire sewerage or drainage area or district in such city, or other municipality, and through which sewers or drains the whole or a part of the sewerage or drainage of such area or district, directly or indirectly, finds or will find an outlet.

When assessments shall be collectible.

2. *And be it enacted*, That the assessment upon all lands and real estate which at the time of making such assessment front or abut on, or are situate in the vicinity of the line of such main, trunk, or intercepting sewer or drain, or any other sewer or drain already constructed, and connected directly or indirectly therewith, whereby a direct tapping or drainage benefit is or may be secured, shall be collectible at once, and that where such benefit is prospective only, depending upon the construction of any other and connecting sewer or drain not yet built, such assessment shall be collectible and bear interest only from the time when the assessment to be made for benefits conferred upon such lands and real estate, by the construction of such other sewer or drain along the line of which such lands and real estate front or abut,

or are in the vicinity of, shall be confirmed and collectible.

How the assessments shall be made.

3. *And be it enacted*, That in ascertaining and estimating the proportion of the cost of such main, trunk, or intercepting sewer or drain, which may be assessed upon lands and real estate not fronting or abutting upon the line, or in the vicinity thereof, and having no immediate tapping or drainage benefit, the benefit conferred upon the lands and real estate so fronting or abutting thereon, or in the vicinity thereof, and having an immediate tapping or drainage benefit shall be first ascertained, and after deducting the amount thereof from the entire cost, the balance, or so much thereof as may be applied, shall be assessed upon such other lands and real estate not having an immediate tapping or drainage benefit, but which shall be situate in such sewerage or drainage area or district to the extent that the same is benefited by the construction of said main, trunk, or intercepting sewer or drain, and to be benefited thereby when the sewer or drain in front of, or in the vicinity of such property, shall be constructed and connected therewith, and in which the said property may secure a direct tapping or drainage benefit.

Property shall be assessed according to the peculiar benefits.

4. *And be it enacted*, That in all cases of sewer or drain assessments made for benefits conferred by the construction of any lateral or connecting sewer or drain, forming a part of the general system aforesaid, and upon the lands and real estate fronting or abutting on or in the vicinity of the line of such lateral or connecting sewer or drain, no assessment was made for benefits conferred or likely to be conferred by the construction of any main, trunk, or intercepting sewer or drain, and through which such lateral or connecting sewer or drain has or will have an outlet for its sewerage or drainage, it shall and may be lawful to include in such assessment not only the cost or part of the cost of such lateral or connecting sewer or drain, but so much of the cost of the main, trunk or intercepting sewer or sewers, drain or drains, with which the same is connected and through which it finds an outlet, as the said lands and real estate shall be peculiarly benefited by the construction of said main, trunk or intercepting sewers or drains, or any part thereof.

Assessment limited to the special and peculiar benefits.

5. *And be it enacted*, That in all cases the benefit assessment so made shall be limited to and shall not exceed the peculiar and special benefit which each lot or parcel of land assessed has received, or will receive, when lateral connections are made as aforesaid, and be made as near as may be in proportion to the benefits each shall be deemed to acquire.

Sections shall be assessed separately.

6. *And be it enacted*, That if in any case different portions or sections of any trunk line sewer or drain are or may be constructed under different acts, requiring a different disposition of the moneys collected from benefit assessments, that in every such case a separate assessment shall be made for each portion or section, in order that a lawful application may be made of the moneys derived from such assessment when received.

Legal adviser of municipality shall assist in making the assessment.

7. *And be it enacted*, That it shall be the duty of the corporation attorney or counsel of such city or other municipality, to assist the board, commission, or other body charged with the making such assessments, by advice, preparation of reports, and otherwise in the discharge of their duties, when requested, and the city surveyor or engineering department of the city shall make all necessary surveys and maps required.

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

Approved February 19, 1895.

CHAPTER XXXVI.

An Act respecting criminal courts in cities of the first class in this state, and providing for the increase of jurisdiction thereof and regulating the proceedings therein.

Jurisdiction and powers of the criminal Courts.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the criminal courts in any city of the first class in this state shall have

jurisdiction to try and determine all cases of assault, simple assault and battery, petty larceny and any other offense, the penalty for which does not exceed a fine of one hundred dollars or imprisonment for a term not exceeding six months, or both, where such assault, simple assault and battery, petty larceny or other offense is committed within the corporate limits of the city in which such court is established, provided the person or persons charged with any such offense shall, in writing, waive indictment and trial by jury.

Proceedings for obtaining satisfaction of judgment.

2. *And be it enacted*, That whenever judgment shall be rendered in any such criminal court, upon conviction of any of the offenses specified in the first section of this act, such proceedings shall be had thereupon for the purpose of obtaining satisfaction of the fine and costs, or costs, adjudged, by writ or writs of fieri facias, or warrant or warrants in the nature of a capias ad satisfaciendum, in the like manner and to the same effect as in civil cases; but such execution or executions, warrant or warrants in the nature of a capias ad satisfaciendum, shall not have the effect to discharge the defendant or defendants from imprisonment, pursuant to the judgment of the court, until such judgment shall be satisfied.

Clerk shall keep record of causes tried.

3. *And be it enacted*, That the clerk of such court shall keep a record of all the causes tried in such court under the provisions of this act in a separate docket to be provided by the board of police commissioners of the city in which such court is established, which docket shall always be open to the inspection of any person lawfully entitled thereto, and all papers in every cause tried in such court under the provisions of this act shall be filed and remain in said court, and no record of conviction, other than the record in said docket, shall be necessary in any case; a transcript of such docket, certified by the clerk under the seal of the court, shall be received and taken in all courts and places as evidence of the matters therein contained, and have the same probative force as the docket itself; the clerk shall furnish to any person requiring the same a transcript of the record from said docket in any cause upon the payment to him of a fee of fifty cents.

Transcript of docket shall be taken in evidence.

Fees.

4. *And be it enacted*, That there shall be paid monthly by the city in which such court is established the following fees: to the judge of the court a fee of three dollars for trying each cause under the provisions of this act; to the clerk a fee of two dollars in each cause, which fees shall constitute, together with the fees of the witnesses on the part of the state, the costs of the trial; all fines and costs collected shall be paid by the clerk of such court to the comptroller or city treasurer as now provided by law, who shall keep a separate account thereof, and no fees shall be paid to said judge and clerk except out of said moneys realized from fines and costs imposed and collected.

Fees and costs shall be paid into the treasury.

Penalties that may be imposed

5. *And be it enacted*, That upon any conviction under this act the court may impose such penalty or penalties as may be provided by law for the offense of which the defendant shall be convicted.

Persons waiving indictment may be held to bail or committed to jail.

6. *And be it enacted*, That any person waiving indictment and trial by jury as provided in the first section of this act, may be held to bail to appear for trial in said court at such time as may be fixed, and in default of such bail may be temporarily committed to the county jail of the county in which such court exists, and on the order of the judge making such commitment shall be brought before said court for trial.

Repealer.

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

Approved February 19, 1895.

CHAPTER XXXIX.

An act concerning the recording and plotting of conveyances of land and real estate situate in certain cities of this state.

Deeds shall not be recorded unless duly certified.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That no register of deeds, county clerk or other officer whose duty it shall be to record deeds, shall record any deed which conveys any property situate in any city of this state that now has or hereafter shall have atlas or block maps upon which shall be plotted the lots and subdivisions of lots of land and real estate situate in said city, unless it shall be duly certified thereon that the same has been presented at the office of the officer, officers or other department of such city having charge of such atlas or block maps for the purpose of recording or noting such changes as may have been made thereby in the property lines and ownership of the property therein described; *provided, however*, that such deeds shall be recorded even without such certificate being indorsed thereon in case the fee for plotting such deeds upon the city atlas or block map, together with a fee of twenty cents for the use of the register of deeds, county clerk or other officer whose duty it is to record the same, shall be paid to such officer, whereupon it shall be the duty of such officer within five days thereafter to present such deed or abstract thereof to the officer, officers or department in such city having charge of such plotting, together with the plotting fees aforesaid, for the purpose of having such changes in property lines or ownership duly plotted on such city atlas or block maps; *and provided further*, that this act shall not apply to the recording of any deed conveying land situate in any city where a contract exists between the municipal authorities of such city and the register of

Proviso.

Proviso

deeds, county clerk or other officer, whose duty it shall be to record deeds, for the making of abstracts of such deeds for the purpose of having the land therein conveyed plotted upon the block or atlas maps of such city; but that such deeds shall be recorded as heretofore, anything to the contrary in this act notwithstanding.

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

Approved February 20, 1895.

CHAPTER XL.

An Act concerning the cremation of garbage, and authorizing the acquisition of lands and the erection of crematories thereon, in the cities of this state.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever, in the opinion of the common council, board of aldermen, or other governing body having charge of the streets of any city of this state, it shall be necessary to cremate the garbage and other refuse collected in such cities, it shall be lawful for such common council, board of aldermen or other governing body to purchase, in the corporate name of the city, all necessary lands and real estate in such city, and to erect thereon a building or buildings, and equip the same with all appliances necessary and suitable for the cremation of such garbage and refuse matter. Governing body may purchase lands and erect and equip crematory.

2. *And be it enacted*, That to provide moneys necessary to pay for such lands and real estate, and the erection and equipment of such buildings, it shall be lawful for such common council, board of aldermen or other governing body having charge and control of the finances of such city, to issue bonds in the corporate name of May issue bonds to provide for payment.

the city, not exceeding the amount required to be paid for said lands and real estate and the erection and equipment of such buildings, pledging for the redemption thereof the faith of said city, under the seal of the city, signed in the manner prescribed by law, and attested by the city clerk, of such denominations as said common council, board of aldermen or other governing body shall deem fit, bearing interest at a rate not exceeding five per centum per annum, and redeemable in not more than twenty years from the date of issue, and to dispose of the same for the best price that can be obtained, but at not less than par value, and to provide for the redemption thereof and the payment of the interest thereon, by taxation.

May contract with private parties for cremating garbage, etc.

3. *And be it enacted*, That if in the opinion of the common council, board of aldermen or other governing body having control of the streets of such city, it is more advantageous for such city to have such garbage and other refuse matter cremated by persons other than the city authorities, and at crematories not owned by the municipal corporation, it shall be lawful for such common council, board of aldermen or other governing body to make a contract or contracts, not exceeding the term of five years at a time, with any corporation or individual for the cremation of such garbage and other refuse matter, and it shall be the duty of such common council, board of aldermen or other governing body having charge of the finances of such city, during the continuance of such contract or contracts, to annually raise by taxation the sum needed to defray the expense of such collection and cremation for the fiscal year then next ensuing.

May levy taxes to pay expenses thereof.

Repealer.

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

Approved February 20, 1895.

CHAPTER XLII.

A Supplement to an act entitled "An act for the establishment and government of a naval reserve of New Jersey," approved February twelfth, eighteen hundred and ninety-five.

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

9. *And be it enacted*, That the naval reserve shall be commanded by a captain who shall be nominated by the governor and appointed by him with the advice and consent of the senate. The captain shall have power to appoint a staff to consist of an aide, a paymaster, and a surgeon, each of the grade of lieutenant. Section amended

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

Approved February 20, 1895.

CHAPTER XLIII.

A Supplement to an act entitled "An act to regulate the practice of courts of law," approved March tenth, one thousand eight hundred and ninety-three.

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

1. BE IT ENACTED *by the Senate and General As-* Section amended

sembly of the State of New Jersey, That in all causes in which a capias ad respondendum may issue against a defendant or defendants, in any action upon contract, the court or a judge thereof, or a supreme court commissioner, may, at the request of the plaintiff, upon filing the affidavits required as a foundation for an order for bail, by an order made for that purpose, award a writ or writs of attachment against the lands and tenements, goods and chattels, rights and credits, moneys and effects of the defendant or defendants in this state, whether such defendant or defendants, or either of them, be a resident of this state or not, and that such writ may be so awarded against the property of individuals, co-partnerships, married women, joint stock associations, corporations, or any defendant or defendants in any action at law, and that the practice and procedure in relation to the issue, the levy and the return of the said writ or writs, and the vacation thereof when improperly issued, shall be the same as in cases of attachment against non-resident debtors.

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

Approved February 25, 1895.

CHAPTER XLIV.

A supplement to an act entitled "A further supplement to an act entitled 'An act for the formation of borough governments,' approved April fifth, one thousand eight hundred and seventy-eight," which supplement was approved May ninth, one thousand eight hundred and ninety-four, and is chapter one hundred and seventy-six of the laws of one thousand eight hundred and ninety-four.

Section repealed.

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

section of the act to which this is a supplement be and the same is hereby repealed; *provided*, *however*, that the term of office of any freeholder heretofore elected under said act shall be extended to and terminate on the second Wednesday of May next. Proviso.

2. *And be it enacted*, That at the annual elections for borough officers which are held on the same day that the annual township elections are held in the various townships of this state, the legal voters of any borough heretofore organized under and by virtue of the act to which this is a supplement, embracing within its territory parts of more than one township, shall be entitled to vote within such borough for a chosen freeholder for the township in which a majority of the legal voters of such borough shall reside at the time of the passage of this act, and the legal voters of any such borough hereafter organized under and by virtue of said act shall be entitled to vote therein for a chosen freeholder for the township in which a majority of such legal voters shall reside at the time of the incorporation of such borough. Borough electors may vote for chosen freeholder for township in which majority of electors reside.

3. *And be it enacted*, That if any dispute shall arise or doubt shall exist as to which township shall contain the residence of a majority of the legal voters of any such borough, it shall be lawful for the council of such borough or the township committee of any township interested to apply to the president judge of the court of common pleas of the county where in such borough is situated, who shall proceed in a summary way, on such notice as he may direct, to ascertain in which township the greater part of the legal voters of such borough reside, and his adjudication in writing duly filed in the office of the clerk of said county shall be final and conclusive evidence thereof. Proceedings in case of dispute as to where majority resides.

4. *And be it enacted*, That the votes polled in such borough for freeholder shall be added to the votes polled in the township and canvassed in the same manner as the votes of the several election districts in the township and canvassed in the same manner as the votes of the several election districts in townships now are or hereafter may be directed by law to be canvassed. Votes in borough to be added to votes in the township.

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

Approved February 25, 1895.

CHAPTER XLV.

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

Court shall fix compensation for expenses of safe keeping of attached property.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in all cases where an attachment shall hereafter be issued out of the supreme court or any circuit court or common pleas court of this state, and the sheriff or other officer to whom said writ has been issued shall have attached any personal property, such sheriff or other officer shall be entitled to receive a just and reasonable compensation for storage, watchman or any expense necessary to secure the safe keeping of the property so attached, such compensation to be fixed by the court out of which said writ issued, or any judge thereof, to be paid out of the first moneys arising from the sale of such property.

Suit shall not be discontinued until compensation is paid.

2. *And be it enacted*, That in all cases where an attachment shall hereafter be issued out of the supreme court or any circuit or common pleas court of this state, the said suit shall not be discontinued until the compensation so as aforesaid fixed shall have been paid.

When plaintiff shall pay compensation.

3. *And be it enacted*, That in all cases where an attachment shall hereafter be issued out of the supreme court, circuit court or any common pleas court of this state and the same shall have been quashed or dismissed by said court or any judge thereof, that the compensation so due said sheriff or other officer shall be considered as a part of the taxed costs in said suit to be paid by the plaintiff.

Repealer.

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

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

Approved February 25, 1895.

CHAPTER XLVI.

An Act to authorize borough commissions to order and regulate the construction of sidewalks, and to provide for the payment of the expenses of the same.

Governing body shall determine construction and repair of sidewalks and material for same.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the incorporated borough commissions of this state shall have power, through their several legislative bodies, to pass an ordinance for the regulation, construction and repairs of sidewalks, and thereby to fix and determine the method in which sidewalks in such borough commissions shall be constructed, repaired and maintained from materials out of which the same shall be constructed; also to provide for the payment of the cost of such construction, repair and maintenance; *provided, however*, that the property-owners may construct, at their own expense, sidewalks of any materials that may be allowed by general ordinance of such borough.

Proviso.

May require owner or occupant of land to construct and maintain sidewalks.

2. *And be it enacted*, That any such borough commission may prescribe, by general ordinance, in what cases such sidewalks shall be constructed, repaired and maintained at the expense of the abutting land-owners; whenever in any borough commission it shall hereafter become the duty of any owner of abutting lands, under the ordinance of a borough commission, to construct, alter or repair any sidewalk or section thereof, the authorities of such borough commission having charge of the street affairs of the borough commission may cause a notice in writing to be served upon the owner or occupant of said lands, requiring the specified work to said sidewalks to be done by said owner or occupant within

a period of not less than twenty days from the date of service of such notice; whenever any lands are unoccupied, and the owner cannot be found within the borough commission, the same may be mailed, postage prepaid, to his or her post-office address, if the same can be ascertained; in case such owner is a non-resident of the borough commission, and his or her post-office address cannot be ascertained, then the notice may be inserted for four weeks, once a week, in some newspaper of such borough commission, or in some newspaper printed in the township wherein said borough commission is situate; in case the owner or occupant of said lands shall not comply with the requirements of such notice, it shall be lawful for the street department of the borough commission to cause the required work to be done and paid for out of the moneys of the borough commission to the credit of the street department; the cost of such work shall be certified by the person or persons having charge thereof to the person having charge of the collection of taxes and assessments in such borough commission; upon filing said certificate with the collector of taxes of said borough commission the amount of the cost of such work shall be and become a lien upon the said abutting lands in the front of or on the side of which such work was done; and it shall and may be lawful for the authorities in such borough commission to place the assessments made against any property improved in the manner specified in this act in the annual tax bill rendered to the owner or owners of such property, and the same may be collected in the same manner and by the same officers as taxes are or may be collected in such borough commissions; in addition thereto the borough commission may have an action upon contract to recover the said amount against the owner of said lands in any court having obtained jurisdiction thereof; the certified copy of the aforesaid certificate shall in such an action be prima facie evidence of the existence of a debt due from the said owner to the borough.

Notice shall be advertised in a newspaper.

Cost of work shall be certified to tax collector.

Assessments may be collected same as other taxes.

Moneys recovered shall be credited to cost of work.

3. *And be it enacted*, That all moneys recovered or paid to the borough commission under the provisions of

the last preceding section shall be credited to the account out of which the cost of the work was paid.

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

Approved February 25, 1895.

CHAPTER XLVII.

An Act to fix the time at which the term of office of township officers shall begin in counties of the first-class.

When term of township and village officers shall begin.

1, BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the term of office of all township and village officers who shall hereafter be elected in the several townships and villages in counties of the first-class in this state shall begin on the Monday next after the annual town meeting or election at which such officers shall be chosen; and such officers shall continue in office until their successors shall be duly elected and qualified.

Repealer.

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

Approved February 25, 1895.

CHAPTER XLVIII.

An Act to provide for free lectures for working men and working women.

Board of education may provide for lectures.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the boards of education in cities of this state, or other municipalities containing over ten thousand population according to the last census, are hereby authorized and empowered to provide for the employment of lecturers on the natural sciences and kindred subjects in the public schools in any said city, or other municipality, in the evenings, for the benefit of working men and working women.

And may provide things necessary for the same.

2. *And be it enacted*, That the said boards of education shall have power to purchase the books, stationery, charts and other things neceessary and expedient to successfully conduct said lectures, which it shall have power to direct.

No admission fee shall be charged.

3. *And be it enacted*, That no admission fee shall be charged, and at least one school in each ward, or subdivision of each city or municipality, where practicable, shall be designated by the said board of education for the purpose of carrying out the provisions of this act, and at least one lecture shall be delivered during each of the months of October, November, December, January, February and March in each year, which shall be advertised in a daily or weekly paper published in said city or municipality at least ten days in advance of the delivery thereof.

When lectures shall be delivered.

Board shall vote necessary appropriation.

4. *And be it enacted*, That the boards of education of any of the said cities or municipalities are hereby authorized to meet previous to the first day of September, in the year one thousand eight hundred and ninety-five, and provide the necessary appropriations for the purpose of carrying out the provisions of this act.

Approved February 25, 1895.

CHAPTER XLIX.

An Act to provide for the autonomy of certain cities in this state which have been created out of townships whose officers have continued to exercise their functions within the corporate limits of such cities.

WHEREAS, Certain cities of this state have been heretofore created within the limits of the territory thereto fore included within the boundaries of townships, and governed as such, and, notwithstanding the creation of cities, the township committees and other officers of such townships have continued to assert and exercise their powers as the governing bodies and officers of such townships, in and over and within the limits of such cities, by the assessment and collection of taxes and otherwise, whereby great confusion has arisen in the government of said cities; therefore, Preamble.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That from and after the passage of this act, no officer or officers of any township of this state from which any city has been heretofore created, the officers of which townships have continued to exercise their functions within the corporate limits of such city, shall perform any governmental act or exercise as an officer of such township any official function within or over any such city or the property or inhabitants thereof. Township officers shall not exercise official functions within city limits.

2. *And be it enacted*, That from and after the passage of this act, all taxes assessed or collected within the limits of such cities for any purpose shall be assessed and collected exclusively by the assessor or assessors, collector or collectors of such cities, who shall discharge the same duties and exercise the same powers conferred by law upon assessors and collectors of taxes in such cities; and such assessors of taxes of such cities shall be Taxes shall be assessed and collected by city officers.

City assessors shall be members of county board.

members of the board of assessors of the counties in which such cities may be situated.

City shall elect.

3. *And be it enacted*, That in each of such cities, unless otherwise provided for by law, there shall be elected at the charter election so many overseers of the poor as are or may be authorized by law to be elected in each of the townships of the county in which such city is situated.

Overseers of the poor.

Chosen freeholders.

4. *And be it enacted*, That in each of such cities there shall be elected at the charter election so many chosen freeholders as are or hereafter may be authorized by law to be elected in each of the townships of the county in which such city is situated.

Justices of the peace.

5. *And be it enacted*, That in each of such cities, or in each of the wards thereof, there shall be elected at the next charter election, and thereafter as their terms of office may expire, so many justices of the peace as are now authorized by the constitution; said justices shall hold office for the term now fixed by law for the justices of the peace elected in townships of this state, and shall have the same jurisdiction and powers as such justices; vacancies in said office shall be filled at the charter elections in the said city in the same manner as is now done in the case of vacancies in the offices of justices elected in townships.

Township committee and finance committee shall divide public property.

6. *And be it enacted*, That the township committees of such townships and the finance committees of such cities (or committees in charge of the finances of such cities) shall meet within thirty days after the passage of this act, in the city halls of such cities or other place or places wherein the common councils of such cities now meet, and shall then and there proceed, by writing signed by a majority of the members of said committees present, to allot and divide between such cities and townships all property, real and personal, choses in action, moneys on hand, tax liens, or the right thereof, due or to become due, in proportion to the taxable property and ratables as assessed by the respective assessors within the limits of such cities and townships at the last assessment for taxing purposes made by the respective assessors in such cities and townships, and may adjourn said meetings from time to

time, as a majority of those present may deem proper; and the inhabitants of the said respective cities and townships shall be liable to pay their just proportion of the debts, if any there may be; and a majority of the persons comprising said committees shall constitute a quorum, and may proceed to make the said division, and shall, within six months from the time of said first meeting, make their report in writing to the city clerk of such cities and to the township clerk of such townships, to be filed by such officers with the public records of the respective cities and townships; *provided*, that such award and determination of said committees shall be reviewable by certiorari by the supreme court at the instance of any freeholder within any of such cities or townships, and on the hearing of said certiorari the said court shall have power to determine and settle in a summary manner all of the questions brought up by the said writ, and shall have power to adopt such rules and proceedings as may enable it to carry into effect the true intent and meaning of this section.

Inhabitants shall pay proportion of public debt.

Proviso.

7. *And be it enacted*, That all acts or parts of acts inconsistent with or repugnant to this act, in so far as they are inconsistent with or repugnant hereto, be and the same are hereby repealed, and that this act shall take effect immediately; *provided*, *however*, that nothing in this act contained shall prevent or in any way interfere with the collection in such cities by the officers of said township of taxes heretofore assessed upon persons and property within the limits of such cities by said township assessor, but the payment of such taxes may be enforced in the same manner and to the same extent as if this act had not been passed.

Repealer.

Proviso.

Approved February 25, 1895.

CHAPTER L.

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

Preamble.

WHEREAS, By reason of the consolidation of the several school districts in a township into one school district, a large number of children are not now residents of the districts in which they formerly resided; *and whereas*, in many cases a school-house in an adjoining district is more convenient of access to a large number of children than any school-house in the district in which such children reside; therefore,

Boards of education may fix lines between districts.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the boards of education of any two adjoining school districts may fix and determine the line between said districts in such manner as, in their judgment, may be for the best interests of the schools; the line thus determined shall be accurately described, and a copy thereof filed with the state and county superintendents and with the district clerks, and the property and children transferred from one district to the other shall become and be a part of the district to which they have been annexed; in case the boards of education of two adjoining districts are unable to agree, the county superintendent shall, when petitioned so to do, with the approval of the state superintendent, fix said line, and shall file a copy of the description thereof with the state superintendent and with the district clerk of each of the boards of education; *provided*, that when the districts are situated in adjoining counties, and the boards of education are unable to agree, the line between said

In case of disagreement county superintendent shall act.

Copy shall be filed with state superintendent.

Proviso.

districts shall be determined by the county superintendents of said counties, acting jointly; *and provided further*, that any boundary determined and described as provided in this section shall remain and be the boundary line between said districts for a period of three years, but nothing in this section shall be construed as preventing the readjustment of said boundary at the expiration of the three years, and every three years thereafter.

Proviso.

Boundary may be readjusted.

2. *And be it enacted*, That the portion of any school district annexed to an adjoining district shall become and be a portion of the district to which it is annexed for all school purposes, and the property included in said section shall be deemed to be and be a part of the taxing district to which it is annexed for the assessing, levying and collecting of special school taxes, ordered to be raised for the current school expenses, text-books and supplies of the district to which said property has been annexed, but for no other purpose whatsoever; and whenever any special district tax shall be ordered raised for any of the purposes enumerated in this section in any school district the boundary line of which is not the same as the boundary of a taxing district, it shall be the duty of the district clerk to make out and sign a certificate thereof, under oath or affirmation, that the same is correct and true, and deliver the same to the assessors of the several taxing districts in which said school district is situated, and to the county superintendent; it shall be the duty of each of said assessors to assess on the inhabitants of that portion of the school districts residing within the limits of his taxing district, and on their estates and the taxable property therein, in the same manner as township taxes are assessed, such portion of said special tax as shall be found to be due from that portion of the school district assessed by him; and said money shall be assessed and collected; and it shall be the duty of the collector of each of said taxing districts to collect that portion of said taxes assessed upon the inhabitants and property of that portion of the school district in his taxing district, and to turn over to the collector or other custodian of the school moneys be-

Property in annexed territory shall be liable to taxation only for school purposes.

longing to said school district, the amount of tax assessed in that portion of said school district situated in his taxing district, and the assessor and collector of the fractional portion of any school district shall receive five cents and no more for each name for assessing, levying and collecting such special district school tax; but when the property to be assessed for any special school tax is the same as the property assessed for other than school purposes, then and in that case the assessor and collector shall not receive any special compensation for assessing, levying and collecting said special school tax.

Fees of assessor and collector.

Repealer.

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

Approved February 25, 1895.

CHAPTER LI.

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

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

Section amended

34. *And be it enacted*, That each board of education created under the provisions of this act shall organize within ten days after the annual election, by the election of one of its members as a president and one of its members as district clerk, and shall have the power to fix the compensation of said clerk, and on its failure to

organize, the county superintendent shall appoint such president and district clerk; in case the office of president or district clerk shall become vacant by reason of death, removal or otherwise, the board of education shall, within ten days after such vacancy occurs, appoint one of its members to fill such vacancy for the unexpired term, and on its failure to fill said vacancy within the said ten days, the county superintendent shall appoint one of the members of said board to fill such vacancy for the unexpired term.

Number of members of board of education shall be determined at annual school meeting.

2. *And be it enacted*, That if any township, city, town, borough or other municipality acting under the provisions of this act, which is not divided into wards, it shall be deemed for the best interest of the schools that the number of members constituting the board of education of said township, city, town, borough or other municipality, shall be reduced to a number less than nine, it shall be the duty of the district clerk, when directed by the board of education, to insert in the call for the annual school meeting a notice that it will be determined at said annual meeting whether the board of education shall consist of three, five or nine members, and if it be determined at said meeting to reduce the number of members of said board to either five or three, the members of said board shall continue in office for the terms for which they were severally elected, and their successors shall be elected in the manner following:

Terms for which members shall serve.

I. If it be determined that the board of education shall consist of five members, then and in that case no election for members of said board shall be held at said meeting; at the next annual school meeting there shall be elected two members of said board for the term of three years, and at the second annual school meeting held after the meeting at which it was decided to reduce the number of members of the board of education to five, there shall be elected two members of the board of education for the term of three years, and one member of said board for the term of one year, and thereafter there shall be elected at each annual school meeting a member or members of said board, in the place of

those whose terms expire, who shall hold office for the term of three years.

II. If at said meeting it shall be determined that the board of education shall consist of three members, then and in that case no election for members of the board of education shall be held until the expiration of the terms of office of all the members of said board then in office, and at the second annual school meeting held after the annual meeting at which it was decided to reduce the number of members of the board of education to three, there shall be elected three members of said board of education for one, two and three years respectively, and thereafter one member of said board shall be chosen at each annual school meeting, who shall hold office for the term of three years.

Repealer.

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

Approved February 25, 1895.

CHAPTER LII.

An Act authorizing and concerning the imprisonment of persons fined for violating city ordinances and who shall refuse or neglect to pay such fines.

Persons refusing or neglecting fines or penalties may be committed to jail or workhouse.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in all cases where a conviction is had for the violation of any city ordinance, and a pecuniary penalty or fine has been imposed for such violation, if the person found guilty of such violation shall refuse or neglect to pay the amount of such penalty, together with all costs and charges incident thereto, the court, justice of the peace, police justice, or recorder rendering such judgment is hereby empowered to commit such person to the county jail or

workhouse of the county in which such conviction shall be had, for any period not exceeding ninety days, and said court, justice of the peace, police justice or recorder is further empowered, upon proof made that such person so committed has paid said penalty, together with all costs and charges incident thereto, to order said person to be discharged from said commitment.

Keeper required to receive and keep prisoners.

2. *And be it enacted*, That it shall be the duty of the keeper of the jail or workhouse of the proper county to receive and safely keep every person who shall have been committed pursuant to the foregoing section, for the time named in such commitment, unless sooner discharged by the order made as aforesaid.

Repealer.

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

Approved February 26, 1895.

CHAPTER LIII.

An Act respecting cities of the first class, and providing for the collection of personal taxes therein.

Receiver of taxes shall furnish list of delinquents.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be the duty af the receiver of taxes, or other officer for the collection of personal taxes in cities of the first class in this state, within twenty days after the twentieth day of January in each year, to make out in books, which may be used as warrants, a list of names of delinquents in the payment of personal taxes for the previous year and deliver the same to the comptroller of such city.

Receiver shall make oath to list

2. *And be it enacted*, That it shall be the duty of the comptroller of such city, to whom such list of delinquents shall be returned as aforesaid, immediately upon the receipt thereof to administer to the receiver of taxes,

or other officer for the collection of taxes in such city returning the same, an oath that the moneys in said list mentioned have been duly demanded or due notice thereof given or left at the usual place of residence of each delinquent who can be found or who may reside in said city, and thereupon as comptroller to issue his warrant directed to the receiver of taxes, or other officer for the collection of taxes in such city, containing a list of the names of the several persons and the sum due from each respectively, either in figures or in words at length as the same shall have been returned to him as aforesaid, and shall thereby command the said collector to cause the said several sums, with interest thereon as aforesaid, and all lawful costs and fees, to be levied and made of the goods and chattels of the several persons named therein and the date the same are due respectively, by selling the same at public auction, giving at least four days' notice of the time and place of such sale by advertisements set up in five public places in such city, and in case the receiver of taxes, or other officer for the collection of taxes in such city, to whom such warrant is directed, cannot find sufficient goods and chattels of the said persons whereof the tax or taxes so due from them respectively with all costs and fees can be made, then the said warrant shall further direct the said receiver or collector of taxes shall take his or her body, if to be found in the county in which such city is located, and deliver the same to the sheriff of such county, or his jailer, to be kept in close and safe custody until payment be made of the said tax with costs; and the warrant of the said comptroller shall be of like force and effect as if the comptroller of such city were a justice of the peace duly authorized to make such warrant, and for the purposes of this act the comptrollers of the respective cities of the first class of this state shall have and possess all of the powers of justices of the peace; it shall not, however, be necessary for such comptrollers to have or keep a docket or to enter the name of the delinquent taxpayer or copies of their warrants in any docket; and such comptrollers shall not be entitled to any fees for services performed under this act.

Collector shall levy on goods and chattels of delinquents and sell the same.

In case of failure to find goods body of delinquent shall be committed to jail

Comptroller's warrant shall be sufficient.

Comptroller not entitled to fees.

3. *And be it enacted*, That the said warrants shall be

made returnable by the receiver of taxes, or other collecting officer thereof, on the first Monday of November next ensuing, at which date the said warrants shall be returned to said comptroller with a full statement of all the taxes collected by virtue of said warrant, and the said comptroller shall thereupon, under his hand and seal, extend said warrant for such time not less than one year as he shall by indorsement thereon determine, and shall have power thereafter to extend the said warrant from time to time as he shall by further indorsement thereon determine.

When warrants shall be returnable.

Warrants may be extended.

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

Repealer.

Approved February 26, 1895.

CHAPTER LIV.

A further supplement to an act entitled "An act respecting police departments of cities and regulating the tenure and terms of officers and men employed in said departments," approved March twenty-fifth, one thousand eight hundred and eighty-five.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in all incorporated towns of over ten thousand inhabitants in counties of the first class of this state authorized by law to establish and maintain a regular day and night uniform police, no person shall be removed from office or employment in the police department of said towns, except for just cause, and then only in manner prescribed in section five in the act to which this is a supplement, for the removal of officers in such departments.

Policemen shall not be removed except for cause.

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

Repealer.

inconsistent with the provisions of this act be and the same are hereby repealed, and that this act shall take effect immediately.

Approved February 26, 1895.

CHAPTER LV.

An Act to amend an act entitled "An act to authorize the cities of the second class of this state to fund their unfunded or floating indebtedness," approved May fourteenth, one thousand eight hundred and ninety-four.

Title amended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the title to said act approved May fourteenth, one thousand eight hundred and ninety-four, be and the same is hereby amended so as to read as follows : An act to authorize the cities of this state to fund their unfunded or floating indebtedness.

2. *And be it enacted*, That section one of said act, of which this is an amendment, shall be and the same is hereby amended so as to read as follows :

Section amended

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for any city of this state, by and through its board of aldermen, common council or other legislative body or its board of finance, in such cities where the latter board now has power to issue bonds, to issue bonds for the whole amount of the outstanding unfunded or floating indebtedness of the city, or such part thereof as they from time to time shall prescribe, and such indebtedness shall be and include all the temporary outstanding notes, scrip and other indebtedness other than bonds; that such bonds may be made payable as follows: ten per centum of each issue five years from the date thereof, and ten per centum each successive year thereafter, each

such payment to be provided for in the annual tax levy when such payments are due, and shall bear interest at a rate not exceeding five per centum per annum, and be issued in such sums and of such denomination as the board of aldermen, common council or other legislative body or board of finance shall by ordinance determine; all of such bonds shall be signed by the mayor, countersigned by the comptroller, attested by the city clerk, and have the corporate seal of the city affixed, and shall have coupons attached for every half year's interest until due, which coupons shall be numbered to correspond with the bond to which they shall be respectively attached, and a register of such numbers, the date of issuing and the time of payment shall be made by the comptroller or other officer directed by said board, in a book to be provided for that purpose; *provided, however*, that no bonds shall be issued under this act to an amount which, with the other outstanding bonds of any such city, shall exceed the amount of ten per centum of the gross valuation of taxable property of any such city for the present fiscal year, nor shall any bonds be issued pursuant to this act unless the same are issued within one year after the passage thereof.

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

Approved February 26, 1895.

CHAPTER LVI.

A Further Supplement to the act entitled "An act providing for the formation and government of towns," approved April twenty-fourth, anno domini one thousand eight hundred and eighty-eight.

Number of wards may be increased

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the town council of any town in this state that heretofore may have, or hereafter shall, become a body politic and corporate under and by authority of the act of April twenty-fourth, one thousand eight hundred and eighty-eight, entitled "An act providing for the formation and government of towns," upon the petition in writing of not less than fifty persons, who shall be citizens and voters of such town, from time to time to increase, by ordinance, the number of wards thereof, and to change the lines of such wards as may be now existing or that may be hereafter created; *provided, however*, that each ward shall consist of contiguous territory and shall contain, as nearly as possible, an equal number of inhabitants.

Proviso

Repealer.

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

Approved February 26, 1895.

CHAPTER LVII.

An Act to incorporate societies for the perpetuation of the history of the colony of New Jersey, and the other American colonies, and the memory of the men who assisted in the establishment and preservation of the said colonies.

How societies shall be organized.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That any association of not less than fifteen male citizens of this state, united to perpetuate the colonial history of New Jersey from the period of its settlement to the commencement of hostilities at the battle of Lexington, April nineteenth, one thousand seven hundred and seventy-five, in the war of the revolution, and further to perpetuate the memory of the men who, in military, naval and civil positions of trust and responsibility, by their acts and counsel assisted in the establishment, defense and preservation of the colony of New Jersey, and of the other American colonies, be and they are hereby authorized at any regular or special meeting of such associations called for that purpose to adopt a name by which it shall be known and to elect by ballot such officers as may be deemed necessary and to make and cause to be recorded in the office of the clerk of the county where such meeting and election shall have been held a certificate under the hands and seals of such officers setting forth the name and objects of such association and the names of the officers so elected and after recording such certificate as aforesaid to file the same in the office of the secretary of state, whereupon such association shall be and become a body corporate in fact and in law.

Certificate shall be recorded and filed.

Fees for recording and filing.

2. *And be it enacted*, That there shall be paid to the county clerk recording such certificate the sum of two

dollars and to the secretary of state the sum of five dollars as fees for recording and filing the same.

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

Approved February 26, 1895.

CHAPTER LVIII.

An Act to regulate and control private insane asylums, retreats and institutions for care or treatment of persons of unsound mind.

Asylums shall be licensed.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That no person, association or corporation shall establish or keep an asylum, retreat or institution for the care, custody or treatment of the insane, or persons of unsound mind, for compensation or hire, without first obtaining a license therefor from the board of managers of the state hospitals; *provided*, that this section shall not apply to any state asylum or institution, or to any asylum or institution established or conducted by any county; *and provided, also*, that it shall not apply to cases where an insane person or person of unsound mind is detained and treated at his own house or that of some relative.

Proviso.

Plans of premises shall be submitted and approved.

2. *And be it enacted*, That every application for such license shall be accompanied by plan of the premises proposed to be occupied, describing the capacities of the buildings for the uses intended, the extent and location of the grounds appurtenant thereto and the number of patients of either sex proposed to be received therein; and it shall not be lawful for "the board of managers of the state hospitals" to grant any such license without having first caused an examination by one of its number of the premises proposed to be licensed, and upon being satisfied by such examination that they are as described and are otherwise fit and suitable for the

purpose for which they are designed to be used, shall grant such license.

Managers of state hospitals shall make rules for management.

3. *And be it enacted*, That "the board of managers of the state hospitals" may make proper rules for the management and conduct of all private institutions to which such license may be granted, and shall have power to revoke any such license upon being satisfied after investigation and hearing of the licensee that such rules have been violated.

And cause institution to be visited.

4. *And be it enacted*, That said "the board of managers of the state hospitals" shall cause every such licensed institution to be visited by at least one of its number at least once in every year, and shall be entitled to receive twenty-five dollars each year from each institution so licensed, which sum shall be used to defray the expenses attendant upon examination and visitation of such licensed institution.

Licensed private asylum may receive and hold patients.

5. *And be it enacted*, That every person, association, corporation or institution licensed by "the board of managers of the state hospitals," under the provisions of this act, to keep an asylum, retreat or institution for the care, custody or treatment of the insane, or of persons of unsound mind, shall have the right and power, while such license remains in force and unrevoked, to receive and hold any patient or person who shall be delivered into the care, custody or charge of such licensed person, association, corporation or institution by virtue of any order or commitment of any judge or justice of any court of record of this state, or by virtue of the certificate of two respectable physicians under oath, setting forth the insanity or unsoundness of mind of such person, which certificate shall be dated within one month of the reception of such person and shall be accompanied by a request under the hand of the person by whose direction such patient is sent, stating the age and place of nativity, if known, the christian name and surname, place of residence, occupation of such patient, and the degree of relationship, or other circumstances of connection between the patient and person requesting his admission; and each person signing such request or certificate shall annex to his name his profession or occupation, and the place of his residence, unless these

facts appear on the face of the document; and every such certificate and request shall be delivered to and lodged with the superintendent or manager of the licensee upon the reception of such patient and shall be forthwith copied and entered in a book to be kept by such licensee for the purpose, together with a minute of the date of the reception of such patient.

Copy of order &c., shall be forwarded to board of managers of state hospitals.

6. *And be it enacted*, That within five days after the reception of such patient the licensee shall mail to "the board of managers of the state hospitals," to the address of the secretary therefor, a copy of the order and commitment or request and certificate which accompanied such patient, and within the first week of each quarter such licensee shall report in writing, mailed to the said secretary, the name, residence and physical and mental condition of every patient then in the custody of the licensee, together with the date and cause of discharge or death of every patient who shall have been discharged or died since the last previous report, and shall keep an accurate record of all such matters.

Repealer.

7. *And be it enacted*, That all acts and parts of acts inconsistent with the provisions of this act be and the same are hereby repealed, and this act shall take effect July fourth, one thousand eight hundred and ninety-five.

Approved February 26, 1895.

CHAPTER LIX.

An Act to amend an act entitled "A further supplement to an act entitled 'An act to increase the powers of township committees,' approved March eleventh, one thousand eight hundred and eighty," which supplemental act was approved March eighth, one thousand eight hundred and ninety-three.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That subdivision number one of section one of said supplemental act be and the same is hereby amended so that henceforth said subdivision number one shall be and read as follows, to wit:

I. To order and cause to be constructed any sewer or drain, whether open or covered, for the drainage of any street, highway or public place; to order or cause any street, highway or alley already laid out or which may hereafter be laid out, or any part or parts thereof, to be straightened, extended, altered or widened, and to take and appropriate for any such purposes any lands and real estate, upon making compensation to the owner or owners thereof by the payment of damages. Section amended

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

Approved February 26, 1895.

CHAPTER LX.

An Act to repeal the first section of an act entitled "An act to repeal an act entitled 'An act for the formation and government of boroughs,' approved March twelfth, one thousand eight hundred and ninety," which first said act was passed February third, one thousand eight hundred and ninety-one.

Act repealed.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section one of an act entitled "An act to repeal an act entitled 'An act for the formation and government of boroughs,' approved March twelfth, one thousand eight hundred and ninety," which repealing act was passed February third, one thousand eight hundred and ninety-one, be and the same is hereby repealed.

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

Approved February 26, 1895.

CHAPTER LXI.

An Act to amend an act entitled "An act concerning the tenure of office of city assessors in cities of the third class," approved May seventeenth, one thousand eight hundred and ninety-four.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the first section of the act entitled "An act concerning the tenure of

office of city assessors in cities of the third class," approved May seventeenth, one thousand eight hundred and ninety-four, be and the same is hereby amended so as to read as follows:

Section amended

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the term of office of the city assessor or other officer charged with the assessment of taxes in any city of the third class, hereafter elected, shall be three years.

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

Approved February 26, 1895.

CHAPTER LXII.

A Supplement to an act entitled "An act incorporating the inhabitants of townships, designating their powers and regulating their meetings," approved April fourteenth, one thousand eight hundred and forty-six.

When boroughs are created, how township committee shall be constituted.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in all townships in this state where one or more of the members of the township committee, overseers of the roads or other township officers are now required by any general or special act to be selected and elected from each of certain road districts, described and laid out by metes and bounds in any such act, and the inhabitants of the whole or a portion of any such road districts have assumed and adopted a borough form of government, the township committee of such remaining portion of the township shall hereafter consist of such number of committeemen as the remaining described road districts shall be entitled to elect from their respective districts, according to such act, and in case a part of any such described road districts only remains, then the remain-

ing portion of such road district shall be entitled to have and elect one member of the township committee, and the whole number of such committee shall consist of the members entitled to represent the whole of such remaining described road districts and parts thereof as aforesaid.

Same provisions applied to election of road overseers.

2. *And be it enacted*, That the provisions of the last aforesaid section shall also apply to the election of overseers of the roads from any such township.

Repealer.

3. *And be it enacted*, That all acts, whether general, special or private, inconsistent with the provisions of this act, be and the same are hereby repealed.

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

Approved February 26, 1895.

CHAPTER LXIII.

An Act to enable the inhabitants of this state, incorporated under any form of borough government, to annul their existing charters and to incorporate themselves under another form of borough government.

May abrogate existing charter and adopt another form of borough government.

1. BE IT ENACTED, *by the Senate and General Assembly of the State of New Jersey*, That it shall and may be lawful for the citizens being legal voters, residing within any borough in this state, to annul and make void the existing charter or act of incorporation by which they are governed and to adopt and take upon themselves another form of borough government with other or greater powers and privileges, in accordance with the general statutes of the state of New Jersey relating to borough governments now enacted or hereafter to be enacted, as is hereinafter provided.

Proceedings to change form of government.

2. *And be it enacted*, That a petition shall be prepared and signed by not less than fifty of the legal voters, being freeholders in such borough, directed to

the mayor and council or the commissioners or other governing body of such borough, stating their desire to change the charter or form of government of such borough by annulling and dissolving the former charter or act of incorporation, and assuming and taking upon themselves and the other inhabitants of the said borough another form of borough government in accordance with the laws of the state of New Jersey relating to borough governments, specifying particularly the general statutes of the said state under which they desire to be re-incorporated, and further praying the said governing body to call for an election to be held by the legal voters of the said borough for the purpose of determining whether they will vote for such a change of government or not.

Governing body shall give notice of election.

3. *And be it enacted*, That upon receiving such petition it shall be the duty of the governing body of the said borough to issue a public notice within ten days from its receipt, directed to the citizens and inhabitants of the said borough, setting forth the substance of the said petition and notifying the said inhabitants that on a day to be therein named, not less than thirty days after the date of such notice, there will be held an election to determine the question of a new incorporation as expressed in the said petition, which notice shall be printed and published in at least two public newspapers circulating in said borough, and also to be posted in not less than ten public places within the limits of said borough, which publication and notice shall be done by the clerk of the said borough, at the expense of the borough, and proof thereof shall be made and kept by the said clerk.

How the election shall be conducted and certified.

4. *And be it enacted*, That on the day so fixed for said election it shall be the duty of the officers of election, then in office for said borough or township, as the case may be, to hold said election in the usual form and under the laws relating to township and borough elections, wherein the legal voters residing within the said borough shall be allowed to vote on the said question of re-incorporation by depositing in the ballot-box ballots printed or written, with the words "for a new incorporation," or "against a new incorporation;" the

polls shall open and close at the usual hours fixed by law for elections within this state; at the close of the polls for said election the judges and inspectors thereof shall open the ballot-box and count off and record the number of ballots cast for and against re-incorporation respectively; they shall then sign a certificate of the result and give one copy thereof to the clerk of the governing body of said borough and transmit another copy of said certificate to the clerk of the courts of the county wherein such borough is situated, which shall be duly filed and recorded in the said clerk's office.

Proceedings after the election.

5. *And be it enacted*, That if a majority of the votes so cast shall be against a new incorporation no further action shall be taken therein, and it shall not be lawful to hold any other election upon the question of a new incorporation for said borough within the period of two years from the said election first held; but if a majority of the votes polled at said election shall be for a new incorporation, then, from the time of filing said certificate in the office of the clerk of the county as aforesaid, the inhabitants of said borough shall be a body corporate in fact and in law under the name, style and title of "the mayor and council of the borough of ————," as such name may be assumed by the said new corporation, and by said name shall have perpetual succession, sue and be sued, prosecute and defend in all courts of law and equity in this state, have a common seal and alter the same at pleasure, and purchase, hold and convey real and personal property for the use and benefit of said borough, and possess and use all the powers, rights, franchises, privileges and immunities over the territory and population embraced within the area of said borough limits, as are set forth and contained in the act of the legislature of New Jersey, entitled "An act for the formation of borough governments," approved April fifth, one thousand eight hundred and seventy-eight, and the several supplements thereto now enacted, or which may be hereafter enacted.

How mayor and council shall be elected.

6. *And be it enacted*, That if the result of the said election shall be in favor of a new incorporation, then within thirty days next after the filing of the certificate

of the result of the election aforesaid in the office of the clerk of the county, and on the second Tuesday of April annually thereafter, the legal voters of said borough shall assemble at some convenient place in said borough, at the hour of two o'clock in the afternoon, and those so assembled may, by viva voce vote, proceed to elect a judge and two inspectors to conduct an election for the election of such officers of the borough as may be provided for by the act under which they may be incorporated, being residents and legal voters in said borough, who shall constitute the council of said borough; at the first election two councilmen shall be elected for one year, two for two years and two for three years, and two councilmen shall be elected annually thereafter to serve for three years; the mayor shall hold his office for one year; *provided*, that public notice of the time and place of the first election to be held under the above section shall be given by the clerk of the former borough by advertisement, set up at least ten days previous thereto in at least ten public places in said borough and published in a newspaper printed in said borough, if there be one, and if none, then in some newspaper circulating in said borough; the result of the said first election for mayor and councilmen shall be duly signed and certified by the officers conducting it, and one copy thereof be given to the persons elected and another filed and recorded in the office of the clerk of the courts of the county.

Proviso.

7. *And be it enacted*, That all legal expenses incurred by the proceedings mentioned in this act shall be paid by the borough so changing its charter.

Expenses shall be paid by the borough.

8. *And be it enacted*, That the commissioners or governing body of the original borough, and all officers thereof, shall hold their offices and powers until the newly-elected mayor and council shall be qualified and take office; whereupon all the funds, property, rights and franchises of the former borough shall be transferred to and vested in the new borough and its legal officers, subject to all the debts, obligations and contracts existing at that time.

Officers of old corporations shall hold until new ones are qualified.

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

Approved February 27, 1895.

CHAPTER LXIV.

An Act to repeal an act entitled "An act concerning nurses, attendants and other employes in any charitable or penal institution of any township, county or other municipality in this state."

Act repealed.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the act entitled "An act concerning nurses, attendants and other employees in any charitable or penal institution of any township, county or other municipality in this state," approved May fifteenth, one thousand eight hundred and ninety-four, be and the same is hereby repealed.

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

Approved February 27, 1895.

CHAPTER LXV.

An Act to provide for the indenture of indigent children to the managers or governing body of any incorporated children's home in this state.

Who may indenture children.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That from and after the passage of this act any indigent child residing within this state under the age of twelve years may be bound to the managers, trustees, directors or other governing body of any duly incorporated children's industrial home or home for the care, nurture and maintenance of orphans, half orphans or destitute children, willing to

accept thereof, by indenture signed by the father and mother of such child, if living and residing in this state, or by the surviving and resident parent if the other be deceased or non-resident, or if there be no parent resident in this state, then by the guardian or nearest of kin of such child, residing in this state; *provided*, that if such child be above the age of ten years its consent thereto shall be first obtained. Proviso.

2. *And be it enacted*, That any indigent child indentured as provided in the first section of this act shall be subject to such guardianship, discipline and control of the managers, trustees, directors or other governing body of the children's home to which it is indentured, as parents may exercise over their minor children under the laws of this state, until it shall attain the age of sixteen years, and shall in the meantime be entitled to support in such home and to proper food, clothing and maintenance and to such education and industrial training as are provided for by the by-laws, catalogue or practice of such home for children under its care. Corporation may exercise same control as parents.

3. *And be it enacted*, That the managers, trustees or other governing body of any children's home to which any child shall be indentured under the provisions of this act, shall be authorized and empowered to assign such indenture to any proper person who will take upon himself the care, support, education and maintenance of such indigent child under the supervision and oversight of such governing body. Corporation may assign indentures.

4. *And be it enacted*, That the managers, trustees or other governing body of any children's home to which any child shall be indentured under this act shall have authority at any time to apprentice such child, with his or her own free will and accord, to serve as a clerk, apprentice or servant, in any art, craft, mystery, profession, trade, employment, manual occupation or labor, until, if a male, he arrives at the age of twenty-one years, and if a female, until she arrives at the age of eighteen years, or for any shorter time by indenture as its father and mother might do under the provisions of the act entitled "An act respecting apprentices and servants," approved April tenth, one thousand eight hundred and forty-six, and the supplements thereto. Children may be apprenticed to trades or labor.

Courts shall give corporations control or custody of children.

5. *And be it enacted*, That any order made by the judges of the court of common pleas of any of the several counties in this state committing any poor child or children to the care and control of the trustees or managers of any such duly-incorporated children's home under the provisions of the act entitled "An act for the settlement and relief of the poor," approved March twenty-seventh, one thousand eight hundred and seventy-four, and the several supplements thereto, shall give to such managers or other governing body the same control over and custody of such child or children with the same duty as to education and support as if the latter were indentured under the provisions of this act.

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

Approved February 27, 1895.

CHAPTER LXVI.

Further Supplement to an act entitled "An act to amend an act concerning corporations," approved April seventh, one thousand eight hundred and seventy-five, which amendatory act was approved March twentieth, one thousand eight hundred and ninety-one.

Lapsed corporations may be revived upon payment of taxes.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever any corporation which has been or shall be included in any proclamation heretofore issued by the governor for non-payment of taxes shall, within ninety days after the passage of this act, pay into the state treasury the amount of all taxes due from it to the state, with interest, costs and advertising fees, the said proclamation, so far as it affects said corporation, shall be void, and

the charter of said corporation shall thereupon be revived to the same extent as if said taxes had been duly paid and said proclamation had not been issued.

Secretary of state shall note payment on record.

2. *And be it enacted*, That upon the payment of said taxes, interest, costs and advertising fees, and the filing of the receipt therefor, signed by the treasurer and countersigned by the comptroller, it shall be the duty of the secretary of the state to note the said payment upon the original proclamation and record thereof.

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

Approved February 27, 1895.

CHAPTER LXVII.

A Supplement to an act entitled "An act to provide for the further regulation of mutual fire assurance associations," approved February twenty-fifth, one thousand eight hundred and eighty-nine.

Section to be amended.

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

"2. *And be it enacted*, That it shall be lawful for the directors of any mutual fire assurance association, whether organized under any general or special law of this state, whenever they make an assessment, to assess over and above the amount of the losses and liabilities unpaid at the time of making said assessment, any sum not exceeding ten thousand dollars," be amended so as to read as follows:

Assessment may be made at discretion of directors.

2. *And be it enacted*, That it shall be lawful for the directors of any mutual fire assurance association, whether organized under any general or special law of this state, whenever they make an assessment, to assess over and above the amount of the losses and liabilities

existing and unpaid at the time of making said assessment, any sum which the directors in their discretion may determine; *provided*, that the assessment shall be made against each member in proportion to the amount of insurance upon which such member is liable to assessment by the rules and regulations of such association, not to exceed one per centum of the amount of insurance or in proportion to the original amount of his or their deposit note or notes, which are assessable according to the constitution and by-laws of the association making the assessment, and in the latter case does not exceed twenty per centum of said deposit note, and the surplus, if any, collected upon said assessment shall be placed in the treasury of said company and be used only for the payment of losses and expenses, according to the provisions of its said act of incorporation; and the same rights and remedies shall exist for the collection of such assessment as are given in and by the act of incorporation of the association making the same for the collection of the assessments therein provided for.

Proviso.

Assessment not to exceed certain percentages.

Surplus shall be placed in the treasury.

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

Approved February 27, 1895.

CHAPTER LXVIII.

Supplement to an act entitled "An act to amend an act entitled 'An act to establish a system of public instruction' [Revision], approved March twenty-seventh, one thousand eight hundred and seventy-four," and which supplement was approved May twenty fifth, one thousand eight hundred and ninety-four.

Section to be amended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section twenty-three of an act entitled "Supplement to an act entitled

'An act to amend an act entitled "An act to establish a system of public instruction" [Revision], approved March twenty-seventh, one thousand eight hundred and seventy-four,'" be and the same is hereby amended so as to read as follows:

23. *And be it enacted*, That this act shall apply to all districts in this state receiving any portion of the state school moneys; *provided*, that in any district acting under a special charter, or under the provisions contained in the charter of any city, town, borough or other municipality, this act shall apply only so far as it is consistent with the provisions of such charter, and that all such charters shall remain and be in full force and effect the same as if this act had not been passed; *and provided, further*, that in any such district acting under a special charter, or under the provisions contained in the charter of any city, town, borough or other municipality, upon the vote of a majority of its board of trustees, may hold its annual election for the election of a trustee or trustees, and for determining the amount of money to be raised by taxation for the support of its school or schools, upon the third Tuesday of March in each and every year upon like notice and in the same place or places as is provided in said act to which this is an amendment. Proviso. Proviso.

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

Approved February 27, 1895.

CHAPTER LXIX.

An Act to repeal section eleven of an act entitled "An act to establish and regulate pilots for the ports of Jersey City, Newark and Perth Amboy by the way of Sandy Hook," approved April seventeenth, one thousand eight hundred and forty-six.

Section repealed.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section eleven of an act entitled "An act to establish and regulate pilots for the ports of Jersey City, Newark and Perth Amboy, by the way of Sandy Hook," approved April seventeenth, one thousand eight hundred and forty-six, be and the same is hereby repealed.

Repealer.

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

Approved February 27, 1895.

CHAPTER LXX.

A Further Supplement to an act entitled "An act to establish and regulate pilots for the ports of Jersey City, Newark and Perth Amboy by the way of Sandy Hook," approved April seventeenth, one thousand eight hundred and forty-six.

Board shall designate pilots to be employed in rotation.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever the services of a pilot by the way of Sandy Hook shall be

required to pilot any vessel sailing from any other port in the United States bound in or over the bar of Sandy Hook, application must first be made in writing by the master or owner or consignee of such vessel to the board of commissioners of pilots for such pilot, and the said board shall thereupon designate the pilots so to be employed in rotation, according to the designated number of boats in the service, beginning with the lowest number, so that the company of every boat in the service shall in their turn have the right to avail of such employment, and the board shall by proper by-laws enforce this regulation.

And shall enforce this regulation.

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

Approved February 27, 1895.

CHAPTER LXXI.

An Act concerning fire departments in cities of the first class.

Municipal board may fix salary of assistant engineer.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the municipal board having charge of the fire department in any city of the first class to fix the annual salary of the assistant engineer of the fire department of such city at an amount not exceeding two thousand dollars, which salary, when fixed under the provisions of this act, by resolution adopted by such board, shall not be increased or diminished during the term of the officer whose salary shall be so fixed.

Repealer.

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

Approved February 27, 1895.

CHAPTER LXXII.

An Act to authorize the inhabitants of the several boroughs of this state to elect their commissioners of appeal of taxes for the term of three years.

Term fixed at three years.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in the several boroughs of this state the commissioners of appeal in case of taxation shall hereafter be elected for the term of three years; *provided*, *however*, that at the first annual borough election held in such borough after the passage of this act, the said commissioners of appeal shall be elected for one, two and three years respectively, and at each succeeding election thereafter one commissioner of appeal shall be elected for the term of three years.

Proviso.

Repealer.

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

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

Approved March 1, 1895.

CHAPTER LXXIII.

An Act relating to townships in this state now or hereafter having a population of twelve thousand and five hundred, and within the territorial limits of which there is no incorporated city, town or borough, and providing for certain municipal officers and powers therein.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in every township of this state which had, by the census of the United States taken in the year one thousand eight hundred and ninety, or which may hereafter have by any census which may hereafter be taken under the authority of any act of congress of the United States or of the legislature of this state a population exceeding twelve thousand and five hundred, and within the territorial limits of which there is no incorporated city, town or borough, there shall be elected at the next annual township election held therein a person resident in such township to be the president of such township; he shall be known as "township president;" he shall be the chief executive officer of such township, and shall possess the powers and privileges and perform the duties hereinafter specified; he shall hold his office for the term of two years from the first Monday in May next following his election, and until his successor is elected and qualified; he shall have authority to appoint, subject to confirmation by the township committee by a majority vote of all the members thereof, the collector, treasurer or receiver of taxes, as the case may be, the auditor, chief of police, chief of fire department, township engineer, a township counsel, a health physician, a police justice and such other officers and employes as may be required in such townships to fill offices which

May elect township president.

Term of office.

President may appoint certain officers.

are or may be hereafter created by ordinance; and in townships having such a president all of said officers which are now required by law to be elected by the people or appointed by the township committee shall, from and after the date of the passage of this act, cease to be so elected or appointed, and shall be appointed as herein provided.

Duties of the president.

2. *And be it enacted*, That it shall become the duty of the president of the township at the annual meeting of the township committee in each year to present in writing to the said township committee, and at such other times as may be deemed expedient, a general statement of the situation and condition of the affairs of said township, with such recommendations as he may think proper; he shall countersign all warrants drawn upon the treasurer, collector or receiver of taxes for the payment of moneys for any township purpose; he shall execute all contracts in the name of the township; he shall have control over and supervision of the conduct and acts of subordinate officers, and have authority to examine into all complaints preferred against them or any of them for violation or neglect of duty and to prefer charges against them on his own motion, and shall

His powers and authority.

have the power to suspend any officer or employee of such township until the next regular meeting of the township committee next after such suspension shall take place, when he shall report in writing to such committee the fact of such suspension and his reasons therefor, and if said committee shall approve by a majority vote of all the members thereof of the act of said president in so suspending such officer or employee the office of the person so suspended shall from such approval be and become vacant; he shall have authority to call a special meeting of the township committee at any time when he shall deem it necessary, stating in the call the object thereof; and he shall generally do and perform all such duties as may be required of him by law or by any ordinance

His salary.

of such township; he shall receive such compensation as shall be fixed by the township committee by ordinance, not to exceed twelve hundred dollars per annum; in case of a vacancy in the office of township president

from any cause, the chairman of the township committee shall succeed to the office of township president until the first Monday in May next after such vacancy shall have happened, when a successor shall be elected, and in case of the absence from the township of the township president or his sickness, or his inability from any cause to attend to the duties of his office, the chairman of the town committee shall for the time being possess all the rights and powers of the township president.

In case of vacancy chairman of township committee shall act.

3. *And be it enacted*, That every ordinance or resolution passed by the township committee in any township to which this act applies shall, before it takes effect, be presented to the president of the township by the township clerk, duly signed by the chairman of the township committee and the township clerk; if he approve it he shall sign it, if not he shall return it with his objections and file it, with such objections, with the township clerk within ten days after he shall receive it, and such township committee shall, at its first regular meeting thereafter, enter the objections at length on the minutes and shall proceed to reconsider the same, and if two-thirds of all the members of such township committee agree to pass the same notwithstanding such objections, it shall take effect; the vote shall be taken by ayes and nays and entered on the minutes; if such ordinance or resolution shall not be returned within ten days as aforesaid, it shall take effect in like manner as if it had been signed.

Shall approve ordinances or return them stating his objections.

4. *And be it enacted*, That it shall be unlawful for the township committee of any township to which this act applies to award any contract or purchase any supplies where the amount required to be expended in payment thereof shall be two hundred and fifty dollars or more, except after bids shall have been asked, by public advertisement, as shall be provided by ordinance and publicly received therefor, and such contract shall be awarded to or such purchase made of the lowest bidder therefor, unless the interest of the township will not be promoted thereby, and said committee shall have the right at all times to reject any and all bids which may be made; no award of any contract, and no acceptance

Contracts must be awarded to the lowest bidder after due advertisement.

of any bid, shall be made in any other manner than by resolution approved by, or passed over the veto of, the township president.

Committee shall appoint a street and sewer commissioner and fix his salary.

5. *And be it enacted*, That the township committee shall have power and authority to provide by ordinance for the appointment of a street and sewer commissioner at a salary to be fixed by the township committee, and when said officer is so provided for he shall be appointed by the township president, subject to confirmation by the township committee, and shall hold his office for a term to be fixed in the ordinance so authorizing his appointment, not to exceed a period of two years, and it shall be lawful for the township committee to provide in the ordinance authorizing the appointment of such street and sewer commissioner and fixing his compensation, that he may at the same time hold the office of township engineer.

Board of excise shall have power to grant licenses.

6. *And be it enacted*, That all licenses for the sale of strong and spirituous liquors, wine, ale and beer, within the limits of such townships, shall be granted by a board of excise and such board shall have sole power to grant licenses to any person or persons of good moral character, who shall be approved by them, upon the presentation of a petition by such applicant to such board of the same tenor and effect heretofore required to be presented to the judges of the several courts of common pleas in this state for that purpose; the said board of excise shall be composed of three persons, to be appointed by the township president and confirmed by the township committee, and shall hold their office for three years from the date of their appointment; *provided*, *however*, that in making the first appointment under the provisions of this act, the president shall appoint one person for one year, one person for two years and one person for three years, and thereafter each person appointed shall be appointed for three years, except to fill a vacancy, in which case the appointee shall be for the unexpired term only; all proceeds received from license fees within such townships shall be paid over to and received by the receiver of taxes or other proper officer, before the license shall be issued, and such license shall be signed by the board,

Proviso.

License fees shall be paid to township officer.

or a majority of them, and shall be kept at all times by the person receiving the same in a conspicuous place upon the licensed premises, subject to public inspection.

Ordinances and special acts heretofore enacted shall apply.

7. *And be it enacted*, That all ordinances heretofore adopted by any township in this state to which the provisions of this act shall apply, and all special acts now applicable to such townships and not inconsistent with the provisions of this act, shall be and they are hereby continued in force and effect in all such townships as fully and to all intents and purposes as if embodied herein, and all acts relative to townships in this state heretofore or hereafter passed shall be applicable to the townships to which this act shall apply, unless by the provisions of said act such townships are expressly excepted or they are inconsistent herewith.

Committee may provide for enforcement of ordinances.

8. *And be it enacted*, That the township committee may provide by ordinance for the enforcement of the ordinances heretofore adopted or hereafter to be adopted by a fine not exceeding the sum of one hundred dollars in any one case or by imprisonment not exceeding ten days, or by both such fine and imprisonment, and the police force in such township shall have power to arrest without warrant any person who shall be detected in the act of violating any of such ordinances, and the police officers of any such township shall have, within the territorial limits of such townships, all the powers of a constable under the laws of this state for the arrest of offenders, and for the service of process issued out of the court for the trial of small causes, or by a justice of the peace or police justice.

Act shall remain inoperative unless adopted at an election.

9. *And be it enacted*, That this act shall take effect immediately, but its provisions shall remain inoperative in any township of this state until assented to by a majority of the legal voters thereof voting at an election to be held in such township at any time to be fixed by the township committee thereof, of which the township clerk shall cause public notice of the time and place of holding such election to be given, by advertisements signed by himself and set up in at least twenty public places in such township for at least six days previous to the day of such election; and said clerk shall provide

Time, place and manner of holding the election.

for each elector voting at such election ballots to be printed or written, or partly printed and partly written, on which shall be either the words "for the adoption for this township of the provisions of an act entitled 'An act relating to townships in this state now or hereafter having a population of twelve thousand and five hundred, and within the territorial limits of which there is no incorporated city, town or borough, and providing for certain municipal officers and powers therein,'" or "against the adoption for this township of the provisions of an act entitled 'An act relating to townships in this state now or hereafter having a population of twelve thousand and five hundred, and within the territorial limits of which there is no incorporated city, town or borough, and providing for certain municipal officers and powers therein;'" that the places for holding such election shall be procured by the township clerk under the direction of the township committee, and the polls at such election shall be opened at six o'clock in the forenoon and closed at seven o'clock in the afternoon, and such election shall be conducted by the proper election officers of the several election districts of such township for the time being and in such manner as may then be prescribed by the law regulating township elections therein, but no previous registration of voters or the maintenance of booths or compartments in the polling places on the day of such election shall be required at any election held under this act; and the officers of each election district shall return to the township committee of such township a true and correct statement in writing under their hand of the result of such election in their respective districts, which return shall be entered at large upon the minutes of said committee; if it appears from such returns so made that a majority of the persons voting have voted for adoption, then this act shall in all respects be and become operative in such township, and binding on the inhabitants thereof and upon all persons and property to be affected thereby, and shall abrogate, repeal and annul all acts and parts of acts now existing, whether general or special, in anywise affecting the government of such township, so far as the same are contrary to or

inconsistent with the provisions of this act; *provided, however*, that this act shall not be submitted to the voters of any township by the township committee thereof more frequently than once in any one year under the authority conferred by this section. Proviso.

Approved March 5, 1895.

CHAPTER LXXIV.

An Act to amend an act entitled "A 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 therein, and defining the powers and duties of such municipal boards and relating to the municipal affairs and departments of such cities placed under the control and management of such boards and providing for the maintenance of the same,' approved March twenty-eighth, one thousand eight hundred and ninety-one," which supplement was approved March ninth, one thousand eight hundred and ninety-three.

1. BE IT ENACTED, *by the Senate and General Assembly of the State of New Jersey*, That section three of an act entitled "A 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 therein, and defining the powers and duties of such municipal boards and relating to the municipal affairs and departments of such cities placed under the control and management of such boards, and providing for the maintenance of the same,' approved March twenty-eighth, one thousand eight hundred and ninety-one," which supplement was approved March ninth, one thousand eight hundred and ninety-three, be amended so as to read as follows: Section to be amended.

Commissioners may improve and pave streets.

3. *And be it enacted*, That said board of street and water commissioners shall have power by a unanimous vote, from time to time, out of said funds when so set aside, to cause any part of a main thoroughfare in such city to be improved or paved or both, although the same may not have theretofore been paved, and also by such vote to construct and maintain out of said funds a proper stairway and footpath upon any lands, owned or controlled by said city, leading from one street to another street in such city, upon a grade exceeding ten feet in the hundred.

May construct and maintain stairway and footpath.

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

Approved March 5, 1895.

CHAPTER LXXV.

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

Governing body may create and re-adjust wards.

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

Wards may elect certain officers.

2. *And be it enacted*, That whenever any city council or other legislative body, in any such city of the third class of this state, shall divide, create, re-create or re-adjust the wards of such city, or increase or diminish

the number of such wards, in conformity with the first section of this act, each ward so created, re-created or re-adjusted, shall be entitled to elect to the common council or other legislative body in such city two councilmen or aldermen, as the case may be, and such other officers as were theretofore elected from the different wards of such city, whose term of office shall be for two years; *provided*, that if, at the date of the first election under this act, the term of office of any councilman or other person shall not have expired, then, in that case, such person shall hold his office for the term for which he was elected, and at the expiration of said term his successor shall be elected for two years; *and provided, also*, if, in any of such wards, there shall be only one councilman or alderman, and his unexpired term is two years, there shall be an election of a councilman or alderman in such ward for one year.

Proviso.

Proviso.

3. *And be it enacted*, That in addition to the councilman or alderman, as the case may be, and the other officers elected under this act, there shall be elected a councilman or alderman-at-large by all the legal voters of such city; which councilman or alderman so elected shall hold his office for two years, and may reside in any ward therein.

Councilman or alderman-at-larg shall be elected.

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

Construction of certain word.

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

Approved March 5, 1895.

CHAPTER LXXVI.

An Act relating to assessors in the cities of this state.

Legislative body may establish or change assessing districts.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever in any city of this state there are assessors, elected or appointed from districts, whose duty it is to assess personal property only, the board of aldermen, common council, or other legislative body in said city, shall have power to establish or change the said assessing districts at any time by resolution; *provided, however*, that no change of districts shall be made within thirty days of any election at which district assessors are to be elected.

Proviso.

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

Approved March 5, 1895.

CHAPTER LXXVII.

A Supplement to an act entitled "An act to provide for the establishment of an agricultural experiment station," approved March tenth, one thousand eight hundred and eighty.

Expenses of—how paid.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the expenses of said station, when presented to the comptroller of the state, accompanied by the proper vouchers, duly certified by the president and secretary of the board of directors, shall, upon warrant of said comptroller, be

paid out of the state treasury; *provided*, such expenses do not exceed the sum of fifteen thousand dollars in any year. Proviso.

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

Approved March 5, 1895.

CHAPTER LXXVIII.

A Further Supplement to an act entitled "An act respecting the orphans' court, and relating to the powers and duties of the ordinary and the orphans' court and surrogates," approved March twenty-seventh, one thousand eight hundred and seventy-four.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That where an exemplified copy of any will admitted to probate in any state of the United States or territory, or the District of Columbia, or foreign state, has been or shall be filed, pursuant to law, in the office of the surrogate of any county of this state, and it shall not appear by the record of probate accompanying such will whether or not such will was executed in the manner required by the laws of the state to transfer or affect the title to real estate situate in this state, it shall be lawful for the orphans' court or the surrogate of the county in which such exemplified copy of the will is filed, to receive proofs as to the due execution of said will without the production of the original will; and, when necessary, said court may order that a commission issue to take the testimony of non-resident witnesses, and the proofs so taken shall be filed with said exemplified copy of the will, and recorded in such surrogate's office, and shall have the same force and effect as if the same were a part of the proofs on which the original will was admitted

Proof may be accepted relative to exemplified copy of a will filed affecting title to real estate.

Commission may issue to take testimony.

to probate in such state, territory, District of Columbia, or foreign state; and all conveyances of real estate heretofore or hereafter made by any executor or executors, administrator or administrators with the will annexed, or the survivor or survivors of them, by virtue of the power and authority conferred in any will so duly proven to have been executed in accordance with the laws of this state or by any devisee or devisees named in said will shall be as valid as if said will had been admitted to probate and letters testamentary or of administration with the will annexed, had been issued in this state; and such records or copies thereof, duly certified, shall be received in evidence in all courts of this state.

Records or certified copies shall be received in evidence.

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

Approved March 5, 1895.

CHAPTER LXXIX.

An Act relating to boards of health in cities of this state containing a population of over one hundred thousand.

Governing body shall establish mode of appointment and fix term of office.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in cities containing a population of over one hundred thousand inhabitants the board of health of such cities shall consist of not less than five nor more than ten members, who shall be appointed in such manner and hold their respective offices for such terms as the board of aldermen, common council or other governing body may by ordinance provide; if any vacancy shall occur in any such board, it shall be filled in the same manner in which the original appointments were made, but for the unexpired term only.

Vacancies shall be filled for unexpired term only.

Existing boards recognized and continued.

2. *And be it enacted*, That any board of health now existing in such cities shall be deemed, held and taken

to be the board of health 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 health under the laws of this state; 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 heretofore adopted or passed by any such board of health as aforesaid which might be adopted or passed under the authority of this act shall continue to be the ordinances, rules and regulations of such board and shall be of the same force and validity as if they had been actually adopted or passed under the provisions and authority of this act.

Ordinances, &c., continued in force.

3. *And be it enacted*, That the said boards of health in said cities are hereby authorized to grant and regulate permits and fix the fees to be paid therefor.

Board may grant permits and fix fees therefor.

4. *And be it enacted*, That said boards of health in said cities be and are hereby empowered to pass, enact, alter, amend and repeal ordinances relating to the public health of said cities, and fix the amount of fines and penalties for the violation of said ordinances, and provide for the collection, appropriation and disbursement of the same; the method now in use by the boards of health in said cities for the passing, enacting, altering, amending and publishing ordinances in said cities to be the method used to pass, enact, alter, amend, repeal and publish the ordinances herein mentioned.

May pass, alter, amend and repeal ordinances.

And fix penalties.

5. *And be it enacted*, That all acts and parts of acts which in anywise conflict with the provisions of this act, be and the same are hereby repealed, and that this act shall take effect immediately.

Repealer

Approved March 5, 1895.

CHAPTER LXXX.

An Act to amend an act entitled "An act relating to certain contracts for the lease or conditional sale of railroad equipment and rolling stock, and providing for the record thereof," approved the eighth day of March, one thousand eight hundred and eighty-three, and to provide that certain contracts shall not be affected by the act entitled "An act requiring contracts for the conditional sale of personal property to be recorded," approved the ninth day of May, one thousand eight hundred and eighty-nine.

Section to be amended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section one of the act approved the eighth day of March, one thousand eight hundred and eighty-three, be amended so as to read as follows :

Conditions of lease shall not be valid against subsequent judgment creditor or purchaser.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever any railroad or street railway equipment and rolling stock shall hereafter be sold, leased or loaned, on the condition that the title to the same, notwithstanding the possession and use of the [same] by the vendee, lessee or bailee shall remain in the vendor, lessor or bailor until the terms of the contract, as to the payment of the installments, amounts of rentals payable, or the performance of other obligations thereunder, shall have been fully complied with, such condition shall not be valid as to any subsequent judgment creditor or any subsequent purchaser for a valuable consideration without notice, unless :

Unless certain conditions are complied with.

First. The same shall be evidenced by writing, duly acknowledged before some person authorized by law to take acknowledgments of deeds;

Second. Such writing shall be recorded in the office of the secretary of state whenever the vendee, lessee or bailee is a corporation operating its line in more than a single county, and in cases where the vendee, lessee or bailee is a corporation operating its line in a single county, then in the same book as mortgages of goods and chattels are recorded in the office of the recorder of deeds of such county;

Third. Each locomotive or car so sold, leased or loaned shall have the name of the vendor, lessor or bailor, or the assignee of such vendor, lessor or bailor, plainly marked upon both sides thereof, followed by the word owner, lessor, bailor or assignee, as the case may be.

Provisions of certain act to apply.

2. *And be it enacted*, That the provisions of the act of the general assembly entitled "An act requiring contracts for the conditional sale of personal property to be recorded," approved the ninth day of May, one thousand eight hundred and eighty-nine, shall not be construed to apply to railroad and street railway equipment and rolling stock which shall be the subject of contracts of the kind specified in the first section of the said act as hereby amended.

Act not to be retroactive.

3. *And be it enacted*, That this act shall not be held to apply to any contract heretofore made of the character described in the first section hereof, and this act shall take effect immediately.

Approved March 5, 1895.

CHAPTER LXXXI.

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

School board offices may be declared vacant.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever any county superintendent shall receive satisfactory evidence that the president or district clerk of any school board in his county has neglected or refused to perform any official duty assigned to him by law, he may declare the office of such president or district clerk vacant; *provided*, that due notice of his proposed action shall be sent by him to such president or district clerk, who shall have opportunity to present satisfactory reasons for such neglect or refusal, and that the office of such president or district clerk shall not be declared vacant until the expiration of three weeks from the date of said notice; *and provided further*, that the action of the county superintendent shall be approved by the state superintendent of public instruction.

Proviso.

Proviso.

Notice of special meetings of the district shall be posted.

2. *And be it enacted*, That whenever the board of education of any school district in this state, acting under the provisions of the act to which this is a supplement, shall order the calling of a special meeting of the legal voters of the district, a notice thereof specifying the day, time, place and object of said meeting, shall be posted by the district clerk on each schoolhouse within the district, and at such other public places as shall be deemed necessary, at least ten days before the date of said meeting; *provided*, that at least seven notices shall be posted within the district, but it shall not be necessary to have the notices calling a regular or special meeting published in the newspapers; *and provided further*, that no business shall be trans-

Proviso.

Proviso.

acted at any special meeting except such as is stated in the notice calling such meeting.

Expenses of county superintendent may be paid semi-annually.

3. *And be it enacted*, That hereafter the payments to county superintendents for expenses incurred by them in the discharge of their official duties may be made semi-annually.

Repealer.

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

Approved March 5, 1895.

CHAPTER LXXXII.

A Supplement to an act entitled "An act to support fire organizations in the several townships of this state," approved March twenty-ninth, one thousand eight hundred and seventy-eight.

Townships may make appropriation for support of fire apparatus.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the several townships of this state having a population of five thousand inhabitants or over according to the last census, in which are located apparatus for the protection of property from loss by fire, to appropriate at an annual meeting, or at any special meeting to be called for that purpose, a sum of money not exceeding fifteen hundred dollars in any year for and towards the support and maintenance of said apparatus, and the organizations using the same, and which sum so appropriated shall be levied and collected in the same manner as other taxes are assessed and collected for township purposes.

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

Approved March 5, 1895.

CHAPTER LXXXIII.

An Act respecting the examination of witnesses before legislative committees and providing for the punishment of witnesses refusing or neglecting to appear or give evidence before such committees.

Witnesses shall answer questions.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in any investigation or inquiry by any joint committee of the legislature, any standing committee of either house, or any special committee which shall have been or may be by resolution directed to enter upon such investigation or inquiry, all witnesses sworn or affirmed before such committee shall truly answer all questions put to them which the committee shall decide to be proper and pertinent to such investigation or inquiry; and no witness shall be excused from answering any such question on the ground that to answer the same might or would incriminate him, or tend to criminate him; but no answer made by any witness to any such question shall be used or admitted in evidence in any proceeding against him, except in case of a criminal proceeding for perjury in respect to his answer to such questions; and if any such witness shall refuse to answer any question so decided to be proper and pertinent he shall be deemed guilty of a misdemeanor.

Plea of crimination not to be admitted.

Evidence given shall not be used against witness unless in case of perjury.

Failure to answer summons a misdemeanor.

2. *And be it enacted*, That if any witness summoned to appear before any such committee shall wilfully neglect or refuse to appear in obedience to the summons or shall refuse to be sworn or affirmed he shall be deemed guilty of a misdemeanor.

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

Approved March 5, 1895.

CHAPTER LXXXIV.

An act concerning boroughs.

Ordinances and resolutions excepted from effect of repealer

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all ordinances and resolutions heretofore passed, and all acts and contracts done in its corporate capacity by any borough, or by any committee or officials thereof, the validity and full legal force of the incorporation of which borough, by the second section of an act entitled "An act to repeal an act entitled 'An act for the formation and government of boroughs,' approved March twelfth, one thousand eight hundred and ninety," which said act was passed February third, one thousand eight hundred and ninety-one, is excepted from the effect of said repealing act, are hereby ratified, confirmed and made as valid and effective as if said act of February third, one thousand eight hundred and ninety-one, had not been passed.

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

Approved March 5, 1895.

CHAPTER LXXXV.

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

Societies incorporated for relief of aged clergymen may transfer property and contract for fulfilment of obligations.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That any society incorporated under the laws of this state, having for its object the relief of clergymen whose advancing years

have a claim on the support of the church to which they belong, is hereby authorized and empowered, by a vote of not less than two-thirds of the trustees or directors of said society, to contract with any solvent corporation or corporations of any state of the United States of America, which corporation shall have for its object the same purpose, to assume all of the contracts, obligations, liabilities, policies, stipulations and promises of the said corporation or society incorporated under the laws of this state, and to convey to said other corporation, in consideration of the assumption by the same of the contracts, obligations, liabilities, policies, stipulations and promises of the society incorporated under the laws of this state, all of the moneys, properties and assets of said corporation; *provided, however*, that before the said act of the trustees or directors of said society shall become operative, and before said contract shall be entered into and said conveyance made, the said act of the directors shall be ratified at the annual meeting of the members of the said society.

Proviso.

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

Approved March 5, 1895.

CHAPTER LXXXVI.

An Act to authorize cities of the second class to erect and make additions to hospitals for contagious diseases, and to provide for the maintenance thereof.

Governing body may provide for erection of hospital.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the common council or other legislative body of any city of the second class, whenever it is by it deemed necessary, may purchase land in said city and erect a building or buildings thereon to be used for a hospital for contagious diseases; the plan or plans for such building or

buildings and specifications thereof shall, before the same are adopted, or the building or buildings erected, be approved by the mayor, the common council or other legislative body, and the board of health of such city; and for the purpose of obtaining means for erecting said building or buildings and for purchasing the necessary land, the said common council or other legislative body may issue and sell bonds of said city to an amount not exceeding twenty-five thousand dollars, said bonds to bear interest at a rate not exceeding five per centum per annum, and the principal to be paid within ten years and the proceeds applied for the purposes aforesaid.

Board of Health shall conduct hospital.

2. *And be it enacted*, That after the said building or buildings shall be completed, the same shall be in charge of and under the direction of the local board of health of said city, and for the purposes of conducting the same the board of health of said city shall annually certify to the common council or legislative body having power to pass the annual tax ordinance of such city the sum considered necessary to maintain the said hospital for the ensuing year, and the said common council or other board shall incorporate in the annual tax ordinance the above amount or what part of it may to them seem best, and the treasurer of said city shall pay such amount to the local board of health, to be by it used for the payment of the current expenses of maintaining and conducting such hospital and the care and maintenance of the patients confined therein; and the said common council or other legislative body may, whenever considered necessary by the local board of health, pay over to such board such additional sum or sums as shall be required to pay the current expenses of such hospital, such additional sum or sums to be borrowed and inserted in the next tax ordinance.

And certify to governing body sum necessary to maintain it.

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

Approved March 5, 1895.

CHAPTER LXXXVII.

A Supplement to an act entitled "An act respecting the orphans' court and relating to the powers and duties of the ordinary and the orphans' court and surrogates," approved March twenty-seventh, one thousand eight hundred and seventy-four.

Sale shall be valid notwithstanding marriage of executrix or administratrix pending proceedings.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That where a sale has been made for the payment of debts of the testator or intestate by an executrix or administratrix, by order of any orphans' court and confirmed by such court and a deed has been given in pursuance of such sale and recorded, such sale and conveyance shall be deemed valid and effectual in law notwithstanding such executrix or administratrix may have married pending such proceedings and executed such conveyance by her name mentioned in the letters testamentary or of adminstration issued to her.

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

Approved March 5, 1895.

CHAPTER LXXXIX.

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

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

any incorporated company shall become insolvent, or shall suspend the ordinary business of the said company for want of funds to carry on the same, it shall not be lawful for the directors or managers of the said company, or for any officer or agent of the said company, to sell, convey, assign or transfer any of the estate, effects, choses in action, goods, chattels, rights or credits, lands or tenements, of the said company; nor shall it be lawful to make any such sale, conveyance, assignment or transfer in contemplation of the insolvency of any such company, and every such sale, conveyance, assignment or transfer shall be utterly null and void as against creditors; *provided always*, that in case of a bona fide purchase made for a valuable consideration, before the said company shall have actually suspended the ordinary business of the said company as aforesaid, by any person having no knowledge, information or notice of the insolvency of the said company, or of the sale being made in contemplation of the insolvency of the said company, such purchase shall not be invalidated or impeached.

Unlawful to transfer or sell property of insolvent company.

Proviso.

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

Approved March 5, 1895.

CHAPTER XC.

An Act to validate and confirm proceedings for the formation of borough governments had and taken under the provisions of an act entitled "An act for the formation of borough governments," approved April fifth, one thousand eight hundred and seventy-eight, and the acts amendatory thereof or supplemental thereto.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That no pro-

Proceedings not to be invalidated because of certain informalities.

ceedings had or taken for the formation of a borough government under the provisions of an act entitled "An act for the formation of borough governments," approved April fifth, one thousand eight hundred and seventy-eight, and the acts amendatory thereof or supplemental thereto, shall be taken or held to be invalid or inoperative, because the petition of the inhabitants of the district incorporated or to be incorporated, presented to a judge of the court of common pleas, as in the said acts directed, shall have failed, or shall fail, to set forth or state that the district described in the said petition embraced a territory or area not to exceed four square miles and did not contain a population exceeding five thousand, or because the order made on the presentation of the said petition recites that it is made by the court or in the name of the court, instead of by or in the name of the judge of the said court who signed the said order, or because of any other irregularities or errors in the proceedings taken under the said act for the formation of such borough; *provided*, *however*, that in any suit or judicial proceeding which has been or may be brought to test the validity of such proceeding, or the validity of the incorporation of such borough, it shall be made to appear either by the record of the said proceedings, or by other proof, that such petition was signed by the persons and in the manner required by the said act; that the territory described in the said petition did not embrace an area to exceed four square miles and did not contain a population exceeding five thousand; that an order for the said election was made upon the presentation of the said petition, signed by the judge of the court of common pleas of the county within which the district described in the said petition is situated, and that the order for said election and the notice thereof was published as required by law, and that the said election was held at the time and place designated therein, and that at such election a majority of the votes cast for and against the incorporation of the said borough were cast in favor of the incorporation thereof.

Repealer.

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

inconsistent with this act, be and they are hereby repealed, and that this act shall take effect immediately.

Approved March 5, 1895.

CHAPTER XCI.

An Act to establish public parks in certain counties in this state, and to regulate the same.

Justice of Supreme Court shall appoint commissioners.

1, BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in any county of this state containing a population of more than two hundred thousand it shall be the duty of the justice of the supreme court presiding in the courts of such county, as hereinafter provided, to appoint five persons a board of commissioners to be known as "the ——— county park commission" (inserting the name of the county in and for which such commissioners are appointed); the commissioners first appointed under the provisions of this act in any county shall hold office respectively for the term of one, two, three, four and five years, as indicated and fixed in the order of appointment, and all such commissioners, after the first appointment, shall be so appointed for the full term of five years; vacancies in the said board happening by resignation or otherwise shall be filled by such justice, and the persons appointed to fill such vacancies shall be appointed for the unexpired term only; such persons so appointed, when duly qualified, constituting such board of park commissioners, and their successors; are hereby created a body politic, with power to sue and be sued, to use a common seal and to make by-laws; the members of any such board shall serve without compensation; their necessary expenses shall be allowed and paid, and no person employed by the said board shall be a member thereof; before entering upon the duties of his office, each of the members of said board

Justice shall fill vacancies.

Board constituted a body politic.

No compensation allowed.

Employes shall not be members.

shall take and subscribe an oath or affirmation, faithfully and impartially to perform the duties of his office, which oath or affirmation shall be filed in the office of the clerk of the county wherein the board of which he is a member is appointed; every such board shall annually choose from among its members a president, vice president and treasurer, and appoint a clerk or secretary and such other officers and employees as it may deem necessary to carry out the purposes of this act; it may also determine the duties and compensation of such appointees and remove them at pleasure, and make all reasonable rules and regulations respecting the same; every such board shall have a suitable office, where its maps, plans, documents, records and accounts shall be kept, subject to public inspection, at such times and under such reasonable regulations as the board may determine.

Board shall choose its own officers and employees and fix their duties and compensation.

2. *And be it enacted*, That every such board shall have power to acquire, maintain and make available to the inhabitants of the county wherein it is appointed, and to the public, parks and open spaces for public resort and recreation, and shall have power to locate within the limits of said county such public parks and places, and for these purposes shall have power to take in fee or otherwise, by purchase, gift, devise or eminent domain, lands and rights in lands for public parks and open spaces within said county; deeds of conveyance therefor shall be made to the said board by its corporate name, and it shall be the duty of such board to preserve and care for, lay out and improve any such parks and places, and to make rules for the use and government of the same; such board shall have power also to connect any road, park or public open space with any other park or public open space, and also with any city or municipality of the said county by a suitable roadway or boulevard, and for this purpose shall have power to exercise any of the rights and powers granted by this act in the manner herein prescribed, and also to take or acquire in fee or otherwise in the corporate name of the said board for the benefit of the said county, by purchase, gift, devise or eminent domain, any lands or rights in

Board may locate public parks, purchase land and acquire title thereto.

And improve the same.

land, and easements or interests in lands within the said county, although the lands so taken, or any part thereof, be already a street or way, and to construct and maintain along, across and upon and over the same, or any other land acquired by the said board under this act, roadways, parkways or boulevards; *provided, however*, that the concurrence of the common council or other body having authority over highways shall be necessary to take or appropriate any portion of an existing street or road. Proviso.

Proceedings before purchase or condemnation.

3. *And be it enacted*, That the said board, before proceeding to purchase or condemn lands for a public park or place, shall determine upon the location and quantity of land to be included in any park or place, and cause a survey thereof to be made and a map showing the lands to be embraced therein, which map shall be kept by the said commissioners in their office, and the boundary lines of every such park or place shall be recorded in a book to be kept for that purpose by said board; and before laying out and opening any roadway, parkway or boulevard, they shall cause a survey of the same to be made and a map thereof to be filed in their office, showing the termini of the said roadway, parkway or boulevard, including the courses and distances, the names of the several owners or reputed owners of land through which the same will pass, so far as the same can be ascertained, and the streets or roads which may be included therein; *provided, however*, that the said board shall not be obliged to disclose such locations, surveys or maps to public inspection until it has taken proceedings to condemn lands or rights in lands necessary therefor. Proviso.

Proceedings to condemn lands.

4. *And be it enacted*, That when the said board shall deem it proper to acquire lands or rights in lands for any public park or place which they have located, as herein provided, and the said board or its agents duly authorized cannot agree with the owner or owners of such lands and rights in lands, as to the price and terms of the purchase thereof, or when by the legal incapacity or absence of such owner or owners, no agreement can be made for the purchase thereof, a description in writing of the lands or rights in lands so

desired, with the name or names of the occupants, if any there be, and of the owner or owners, and other parties interested, if known, and their residences, if the same can be ascertained, by the board or its agents, shall be presented to one of the justices of the supreme court of this state, who shall thereupon cause such board to give notice thereof to the persons interested, if known, and in this state, or if unknown, or cannot be found, or out of this state, to make publication thereof as he shall direct, for any period not less than ten days; and assign a particular time and place for the appointment of commissioners as hereinafter provided, at which time, upon satisfactory evidence to him of the service or publication of such notice, he shall appoint under his hand three impartial and judicious freeholders, residents in the county in which such lands or rights in lands are situate, to examine and appraise the said lands or rights in lands and assess the damages, upon such notice to be given to the persons interested as shall be directed by the justice making such appointment, not less than ten days; and it shall be the duty of the said commissioners (having first taken and subscribed an oath or affirmation before some person duly authorized to administer the same, faithfully and impartially to examine the matter in question, and to make a true report and appraisement as aforesaid in writing, according to the best of their skill and understanding) to meet at the time and place appointed, and to proceed to view and examine the lands or rights in lands, and to make a just and equitable appraisement and assessment as aforesaid, to be paid by the said board, which report shall be made under the hands of the said commissioners, or any two of them, and within fifteen days thereafter, together with the description of the lands or rights in lands, and the appointment or oaths or affirmations aforesaid shall be filed in the clerk's office of the county within which such lands are situate, to remain of record therein, and thereupon, and on payment or tender of payment of the amount so awarded to the party or parties entitled thereto, the said board is authorized and empowered to enter upon and take possession of the said lands and rights in lands;

and all titles thereto for the purpose for which the same is taken shall, upon payment, or tender, pass from the said owners and parties interested to the said board in trust for the said county in and for which they are appointed; and in case of any dispute between any owner or other party interested as to their respective rights or shares in and to the sum so assessed and ascertained under this act, then the said board is authorized to pay the sum assessed to the clerk of the county in which said lands are situate, to be paid out and disbursed to or among the parties entitled to the same, by the order of the circuit court of the said county, upon the application of any one or more of the said parties interested, on due notice to the others; and the said justice shall, upon the application of either party, or on reasonable notice to the others, tax and allow such costs, fees and expenses to the commissioners and other persons performing any legal duty in the premises as he shall think equitable and right, which shall be paid by the said board; and if any or all of the said owners or other parties interested shall be absent from this state, or under any legal incapacity that disqualifies them from receiving legal payment of the money awarded, then it shall be the duty of the said board to pay the amount awarded to such person or persons, to the clerk of the county in which said lands or rights are situate; and it shall be the duty of the said clerk to receive the same, to be paid to the parties entitled thereto by the order of the circuit court of the said county, upon application made therefor, and every and all of such payments to the clerk shall be equivalent to payment to the parties entitled thereto, and shall operate to transfer the title of the said lands or said rights in lands to the said board, as if payment was made directly to the said parties; *provided always*, that should the said board, or the owner or owners of said lands or rights in lands feel aggrieved by the report and award of the said commissioners, they, or either of them, may appeal from the said appraisement and award in respect to their interests therein, to the next circuit court of the county wherein the said lands are situate.

Fees and expenses to be allowed and paid.

Proviso.

5. *And be it enacted*, That every appeal from the ap-

Proceedings in cases of appeal.

praisement and award of the said commissioners shall be made in the form of a petition to the said court, and notice thereof shall be given to the other parties within fifteen days after the filing of the commissioners' report and award, which proceedings shall vest in the circuit court the authority and power to hear and determine the question of the value of the land or rights in lands and the damages sustained, if any, and thereupon the said court shall direct a proper issue to be framed between the said parties for the trial of the said question, and order a jury to be struck for the trial of the same, and a view to be had of the premises by the said jury, and the said issue shall be tried upon like notice and in like manner as other issues of fact are tried in said court; and it shall be the duty of the said jury to assess the value of the said land in question or rights in land, and the damages sustained, if any; and the party or parties appealing shall recover costs in such suit, if they shall succeed at the trial on the appeal in changing the valuation or assessment in his her or their favor, and shall pay costs, if they shall fail so to do, but no appeal shall prevent the said board from taking the land upon filing the commissioners' report and award, and payment or tender to the parties of the amount thereof, as herein provided; that upon the verdict of the jury fixing the value of the lands or rights in lands and damages, the court shall enter judgment for the amount thereof, with or without interest and costs, according to the provisions of this act and the principles of law applicable to the trial of similar issues in other cases, and the judgment so entered shall be the sum which the owner or owners and other persons interested are entitled to have from the said board for the said lands or rights in lands and damages, and may be enforced in manner and form similar to other cases in which judgment is pronounced in the said court, and when the commissioners' award is paid by the said board into court, as hereinbefore provided, it shall be the duty of the court to order the moneys so paid into court applied to the payment of the said judgment, and the surplus, if any, repaid to the said board.

6. *And be it enacted*, That the said board shall have

power and authority not only to lay out and open roadways, parkways and boulevards, connecting parks and open spaces as herein provided, but shall have authority to establish the grade of such highways, and change and alter the same, to grade, curb, flag, pave and otherwise improve the said parkways, roadways and boulevards, and to regulate the use thereof.

Board may establish, change or alter grade of highways, and improve same.

7. *And be it enacted*, That whenever the said board shall determine to open and lay out a boulevard, parkway or roadway, or to make any improvement thereof which shall require the condemnation of lands or rights in lands, the said board shall give notice by publication, at least ten days, in one or more of the newspapers circulating in the county wherein the lands to be condemned are situate of its intention to apply to the circuit court of the said county for the appointment of three disinterested commissioners to make an appraisement of the value of the lands and rights in lands necessary to be taken in the judgment of the said commissioners, and the damages occasioned thereby, for the opening and laying out of any boulevard or roadway, or for the improvement thereof; and also to ascertain, fix and determine the amount of the special benefits which the laying out of the said street or the improvement thereof will confer upon any owner of property benefited thereby; and at the time and place specified in such notice the said court shall appoint three disinterested freeholders resident in the said county to make a just and true appraisement of the value of the lands or rights in lands to be condemned and taken by the said board, for the purposes specified in the said notice and the damages, and also to make a just and true estimate and appraisement of the special or peculiar benefits which the opening of any such boulevard, parkway or roadway, or the improvement thereof, may confer upon any owner of property benefited thereby, in proportion, as nearly as may be, to the benefit which each owner may be deemed to acquire; and the said commissioners, when so appointed, shall forthwith take and subscribe an oath or affirmation, faithfully and impartially to perform the duties imposed upon them by law, and such oath or affirmation shall be filed in the office of the clerk of

Notice of opening or improvment of roadways to be advertised.

Court shall appoint disinterested persons to appraise values and benefits.

said county; and the said commissioners shall fix a time and place when they will hear the persons interested in the property to be taken and appropriated as aforesaid and in the benefits to be conferred by the proposed improvement, of which time and place public notice shall be given by the said commissioners for at least ten days prior to the day of meeting in two or more of the newspapers published and circulating in the said county, and after having viewed the premises and heard the parties interested, the said commissioners shall proceed to estimate and fix the value of the lands and rights in lands taken and the damages caused by such taking, and also ascertain and determine the amount of special or peculiar benefits conferred upon the owners of property benefited by the said opening or improvement, in proportion, as nearly as may be, to the benefits which each owner shall be deemed to acquire, and to make report of their assessments to said court; the said commissioners may report the damages awarded and the benefits assessed in any case in the same report or separately as they may determine, and upon the coming in of any such report, signed by the said commissioners, or any two of them, the said court shall cause such notice to be given as it shall direct of the time and place of hearing any objections that may be made to such award or assessment, and after hearing any matter which may be alleged against the same, the said court shall, by rule or order, either confirm the said report or refer the same to the same commissioners for revision and correction; and the said commissioners shall return the same, when referred to them again, corrected and revised, or make new report thereof to the said court without unnecessary delay, and the same, on being so returned, shall be confirmed or again referred by the said court in manner aforesaid, as right and justice may require, and so from time to time until a report shall be made or returned in the premises, which the said court shall confirm, and such report, when so confirmed, shall be final and conclusive, as well upon the said board of commissioners as upon the owners of any land and real estate, or rights therein affected thereby, and the said court shall

Notice of time and place of meeting shall be advertised.

Commissioners shall report to the court.

Court shall give notice of hearing of objections.

Commissioners shall revise report, if required.

thereupon cause said report so confirmed to be filed in the office of the clerk of said county, there to remain of record; and the said court shall have power and authority to make such rules for the regulation of the practice and procedure under this act as shall be deemed expedient and consistent with its provisions; the said court shall, upon application made by the said board or on its behalf, fix and determine the compensation to be paid the commissioners so appointed, and allow any other expense necessarily incurred in making any such assessment, all which shall be paid by the said board of park commissioners; *provided*, *however*, that the cost and expense of making any assessment for benefits, including the fees of commissioners, may be included in making up the entire cost for the purpose of such assessment.

Court shall confirm and file report.

Proviso.

8. *And be it enacted*, That in every case in which damages are awarded under the provisions of this act to an owner or owners of lands, and benefits are assessed against the same owner or owners, it shall be lawful for the said board, when both the award of damages and the assessment of benefits have been finally confirmed, to deduct the amount of the benefits assessed from the damages awarded, and to set off such benefits against such damages by proper charges and credits, in order that the excess of damages, if any, shall be paid, and the excess of benefits, if any, only collected.

Benefits may be deducted from damages awarded.

9. *And be it enacted*, That any person or persons to whom an award shall be made as aforesaid, subject to the deductions for benefits assessed as aforesaid, may sue for and collect the said award after the same shall have been confirmed as aforesaid, in an action of debt against the said board in any court of competent jurisdiction, and a certified copy of the award so made shall be presumptive evidence of the claim sued upon.

Award of benefits may be collected by suit.

10. *And be it enacted*, That it shall be lawful for the said board to collect the assessments for benefits so made as aforesaid, either by a suit in an action in debt in the name of the said board against the person or persons from whom such assessment is due, together with the costs of making the same, and interest at the rate of six per centum per annum from the date of con-

Board may collect assessments with interest and cost, by suit.

firmation, or by a sale of the property benefited, or by both of the said remedies, which are to be cumulative, and every such assessment shall be a first lien upon the property benefited as ascertained by the said commissioners, to the amount of the assessment so made as aforesaid, with the interest and cost from the date of the confirmation of such assessment.

Assessments received to be set apart.

11. *And be it enacted*, That all sums of money received from assessments for benefits shall be set apart by the said commissioners and devoted exclusively to the payment of bonds or obligations issued on its requisition, for the purpose of providing a fund to meet the expenditures of the said board and to the payment of the interest thereon.

Assessments to remain liens until paid.

12. *And be it enacted*, That any and all assessments which may be made under and by virtue of this act for benefits conferred shall be and remain liens upon the lands and real estate benefited as aforesaid, from and after the time when the same shall be confirmed, and any such lien shall remain until the same shall be fully paid; and if any such assessment shall remain in arrear for a period exceeding six months after confirmation, suit may be brought for its collection as aforesaid with interest and costs, and the said board may proceed to advertise said lands and real estate upon which any assessment may be a lien to be sold at public auction at the court-house of the said county, on some day not less than two months distant, between two and five o'clock in the afternoon; that such advertisement shall be published at least once each week for a space of at least three weeks next preceding the said sale, in two of the newspapers published and circulating in the said county; such advertisement shall be the only notice required, and shall contain the names of the owners of land in default, if the same be known, if not, shall state the name of owners to be unknown, and shall give the amounts due from them respectively, with a short description of the lands and real estate to be sold, and at the time and place of said sale, said lands and real estate shall be openly sold to the person or persons who will take the same for the shortest period of time, not exceeding fifty years from the date of sale, and pay to

Suit may be brought after six months.

Sales for assessments shall be advertised.

Term for which lands shall be sold.

the said board before the close of the sale the full amount due upon said unpaid assessments, with interest thereon from the time when the same was confirmed, at the rate of six per centum per annum, together with such sum as the said board may fix and determine to be a fair proportion of the expenses of advertising, conducting and making such sale; in the event that any purchaser shall neglect or refuse to make payment aforesaid, he shall forfeit all claim to said lands and real estate, and the same shall be resold by the said board upon like advertisement as aforesaid; the said board may adjourn any such sale from time to time by making proclamation thereof, and proceed therewith on the adjourned day, and the said board shall make and deliver to any purchaser at any such sale, who shall have made payment as aforesaid, a certificate of sale, signed by its officers thereunto duly authorized, and sealed with the seal of the said board, which certificate shall be acknowledged or proved according to law, and shall set forth as concisely as may be, the facts of said assessment, advertisement and sale, together with a short description of the lands and real estate sold, the amount actually paid therefor by the purchaser and the length of time for which he shall have purchased the same; every such certificate shall, before its delivery, be recorded in one of the books to be kept by the board for this purpose; such certificate may be assigned by deed of assignment under seal, duly acknowledged as aforesaid, and every such assignment may be recorded in the books of said board upon the payment of a fee of one dollar therefor; every owner of land and real estate so sold, his, her or their legal representatives, or any mortgagee or mortgagees thereof, or any judgment creditor or creditors, having a legal or equitable interest therein, may, by payment to the said board, for the benefit of the said purchaser, his heirs or assigns, of the amount originally paid by the said purchaser, and of any tax or assessment which such purchaser may have paid, and of which he may have given written notice to the said board, with interest on all such payments at the rate of ten per centum per annum, redeem the said lands from the lien so imposed, but in case no such redemption is

Proceedings in case of non-compliance.

Certificate of sale shall be authenticated and duly acknowledged.

Certificate shall be recorded and may be assigned.

Owners may redeem lands, otherwise declaration of sale shall be executed.

made the said board shall, at the expiration of the said period of three years, upon the surrender of any such certificate, execute and deliver to the purchaser, his legal representatives or assigns, a declaration of sale, to be executed in the same manner as the certificate of sale, and to be duly proved or acknowledged, stating therein briefly the facts of said assessment, advertisement and sale, giving a short description of the lands and real estate sold, and the time for which the same was sold;

Declaration shall be recorded.

said declaration of sale shall be recorded in the books of the said board, and also in the record of deeds in the office of the register of said county, upon the payment of a fee of one dollar in each case; and until the record-

Lands and real estate may be redeemed until recorded.

ing of such declaration the time for redeeming said lands and real estate shall remain open, notwithstanding the expiration of the said term; every such declaration of sale shall be presumptive evidence in all courts and places that such sale and proceedings were in all respects regular and according to law; and such pur-

Purchaser may lawfully hold against owner.

chaser or purchasers, his, her or their legal representatives, shall, by virtue thereof, lawfully hold and enjoy such lands and real estate, with the rents, issues and profits thereof, for his, her or their own proper use against the owner or owners thereof, and all persons claiming under them, until the said term mentioned in the said declaration shall be fully completed and ended;

Purchaser shall be liable for injury or waste.

every such purchaser so holding shall be liable for any injury or waste done or committed in the same manner and to the same extent as a tenant for years, but no mortgagee whose mortgage shall have been recorded or registered before any such sale shall be divested of his rights in and to the said lands and real estate, unless after notice shall have been given to him by any such purchaser for a period of six months (such notice to be

Mortgagee may redeem.

in writing), such mortgagee shall neglect to redeem the said lands and real estate by paying the amount actually paid by such purchaser, including taxes, and including assessments subsequently made, with interest at the rate of six per centum from the date of payment, and also any costs or charges which he may have been by

Mortgagee shall be notified of liens and assessments.

law obliged to pay; notice to every such mortgagee shall be served personally, if he be a resident of the

said county, if not, it shall be addressed to him by mail at his place of residence, as stated in the said mortgage or any assignment thereof; every such mortgagee holding a lien on lands sold redeeming as aforesaid, may collect the amount paid as a part of the debt due, and every such person shall be entitled to receive and hold by assignment the declaration of sale, as evidence of such payment, and as further security for the repayment of the sum so paid, with interest.

And may collect amount paid.

13. *And be it enacted*, That lands and real estate which are not bid off and sold when offered for sale, or for resale, according to the provisions of this act, shall be struck off to the said board by its corporate name, for the longest term for which such sale is authorized to be made, and said board may hold said lands and real estate and sell, assign and dispose thereof and use the proceeds of the same in the same manner as directed in the case of moneys paid for benefits assessed, and such board shall have in relation to the said lands so struck off to it all the right and privileges of a purchaser at such sale.

Unsold lands shall be struck off to the board.

14. *And be it enacted*, That to meet the expenses incurred under the provisions of this act in addition to the sum of money received from benefit assessments as herein provided and otherwise, the board of chosen freeholders of the said county shall, from time to time, on the requisition of 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 in the aggregate not exceeding two million five hundred thousand dollars, 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 all bonds issued under

Chosen freeholders may issue bonds to meet expenses incurred by the board.

Bonds shall not be sold for less than par value.

Chosen freeholders shall establish sinking fund.

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.

Sinking fund commissioners shall have custody of funds.

15. *And be it enacted*, That where sinking fund commissioners exist in any county in which such board of park commissioners shall be appointed under this act, and any such bonds issued, such sinking fund commissioners shall have the care and custody of the funds to be provided for the extinguishment of such bonded debt, but if no sinking fund commissioners shall exist therein, then it shall be the duty of the board of chosen freeholders of such county to provide for the care of such fund, and it shall be the duty of the officers of the county charged by law with the raising of moneys for county purposes to provide annually in the tax levy for the interest which may fall due during the succeeding year on any bonds issued under the authority of this act, and also each year to provide by taxation a fund sufficient, with the amount received from benefit assessments by the said board of park commissioners which shall be turned over for this purpose by said commissioners, and the accumulations of the sinking fund thus provided, to pay and extinguish the principal of all such bonds when they mature.

Funds shall be provided for in tax levy.

Lands held for parks shall be forever kept open as such.

16. *And be it enacted*, That all lands taken or held under this act for the purpose of public parks shall be forever kept open and maintained as such; and no steam or other railroad shall be laid out on, or maintained or operated in or on, any portion of the parks, open spaces, boulevards, parkways or roadways laid out and located under this act except at such places and in such manner as the said board of park commissioners shall in writing duly approve.

Railroads forbidden.

Board shall make and enforce rules and regulations, and post the same.

17. *And be it enacted*, That every such board shall have power and authority to make rules and regulations for the government and use of all such parks, open spaces, boulevards, parkways and roadways, and to enforce the same by prescribing and affixing for the violation thereof suitable penalties, not exceeding fifty dollars for each offense; such

rules and regulations shall be plainly printed and posted within such parks and public places or on such boulevard and other highways; and the said board shall have power and authority to sue for and collect the penalty prescribed and affixed for any violation of the rules and regulations so made in an action of debt in any court of competent jurisdiction; all fines and penalties recovered as aforesaid shall be used by the said board for the same purposes and in the same manner as other funds provided for its use.

And shall have power to collect penalties.

18. *And be it enacted*, That any city or municipality within such county, or any local board in such city or municipality, having control of the parks or streets therein, is hereby authorized and empowered to transfer the care, custody and control of any park, public place or street under its care or control to the said board of park commissioners for the purposes of this act, with its consent, which consent such board of park commissioners is hereby authorized to give.

Municipalities may transfer parks to commissioners appointed under this act.

19. *And be it enacted*, That upon the appointment of commissioners in any county under the first section of this act, the commissioners appointed in any such county under the act entitled "An act to establish boards of county park commissioners, and to define their powers and duties," approved May eighth, one thousand eight hundred and ninety-four, shall turn over to the board appointed under this act all their maps, plans and other property, and their powers shall terminate, except for the purpose of closing up their work.

Powers of other commissioners shall then terminate.

20. *And be it enacted*, That all acts and parts of acts both general and special inconsistent with this act be and the same are hereby repealed, and that this act shall take effect immediately; *provided*, *however*, that none of the foregoing provisions shall take effect in any county, nor shall the commissioners to be appointed under the provisions of this act, be appointed in any county, until the acceptance or rejection of this act shall have been submitted as herein provided, to a popular vote; such submission shall be made, and the vote hereinafter provided for taken, at the next election whether general, municipal, or special, wherein the people of all the county qualified to vote, are authorized

Repealer.

Proviso.

Act not to take effect until so determined by an election.

to vote for local officers, and it shall be the duty of the county clerk at least ten days before any such election, to give public notice by publication in two or more newspapers published and circulating in the county that such submission will be made at the ensuing election, stating briefly the question to be submitted as herein provided, and it shall be the duty of the said clerk to provide ballots sufficient in quantity for the legal voters of the said county, not less than five to each legal voter as the number of voters appears by the last preceding election, and make distribution thereof as far as practicable in the manner provided by law for the distribution of other ballots at such election; every such ballot shall contain either the words "for the new park bill" or the words "against the new park bill," and an equal number of each kind of ballots shall be so printed and distributed; and the legal voters of said county may at such election decide upon the acceptance or rejection of this act by the use of such ballots, such ballots shall be cast at such election, separate and distinct from other ballots used at such election, and shall not except as herein provided, be regulated by the laws regulating ballots used in the election of public officers, such ballots however, shall be deposited when offered without being enclosed in an envelope by any legal voter in the ballot boxes used at such election for the election of public officers; and all ballots so cast for or against this act shall be counted and the result thereof returned by the election officers holding such election as herein provided, and the acceptance or rejection of this act shall be determined by the result of such election, and if there shall be found on a canvass of all the votes cast to be made as herein provided, a majority of ballots in favor of this act, then this act, but not otherwise, shall take effect immediately in such county; the return and certificate of the result of the votes cast in every election district or voting precinct in such county for and against the acceptance of this act shall be filed forthwith after the close of the said election by the officers conducting the same, with the clerk of the county wherein such election is held, and it shall be the duty of such clerk to tabulate the said returns and can-

How election shall be conducted.

vas the votes so cast in all the election districts in said county and certify upon such tabulated statement the number of votes cast for the acceptance of this act, and the number of votes cast against the acceptance of this act, and he shall file such tabulated statement with his certificate thereon in his office there to remain of record; and it shall be the duty of the said clerk within five days after the filing of such tabulated statement and certificate in case the same shall show that this act has been accepted in such county, to deliver a certified copy of the said tabulated statement and certificate to the justice of the supreme court presiding in the court of such county; and it shall be the duty of the said justice within ten days thereafter to appoint the commissioners which he is authorized by this act first to appoint; all expenses incident to this election properly certified by the president judge of the court of common pleas of such county shall be paid by such county wherein such election is held as other election expenses therein are paid.

Result of election to be filed, and certified to presiding justice.

21. *And be it enacted*, That this act shall take effect immediately as regards the submission thereof to a popular vote as aforesaid.

Approved March 5, 1895.

CHAPTER XCII.

A Supplement to the act entitled "An act respecting sewerage and drainage," approved March twentieth, one thousand eight hundred and eighty, and to provide for the payment of the cost of sewers heretofore constructed, without authority of law, in or by and for towns and townships.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the town council, township committee or other gov-

Municipal governing body may construct sewers to tide water.

erning body of any town or township in the state, if deemed by them best for the interest of the same, or any part thereof, to build and construct one or more main sewers in said town or township and thence to tide-water, or to some other outlet sewer or sewers leading thereto, across the territory of adjoining or other municipalities intervening between such towns or townships and tide-water or outlets as aforesaid, with the necessary laterals and appurtenances thereto, first making and entering into contract or contracts in the name of said town or township for the building and construction of said sewers and with the owners of lands necessary to be occupied or crossed thereby, and with such municipalities for permission for such occupation or the use or crossing of their streets and highways respectively for such occupation, or with the owner or owners of any sewers built or building by the owners of land advisable to be connected therewith.

Outlets and laterals to be regarded as parts of main sewer.

2. *And be it enacted*, That all outlet sewer or sewers leading to tide-water across intervening territory aforesaid and necessary laterals and appurtenances aforesaid, or any of them, including such connecting sewers last above mentioned, if contracted for, shall be treated and regarded as parts of such main sewers, and all costs and expenses attending their construction or price shall, for the purpose of assessment, be included in and form part of the cost of any main sewer in connection with which it shall be built, to be collected from property benefited according to the provisions of the act respecting sewerage and drainage, to which this act is a supplement as aforesaid; *provided*, that no such sewer or sewers shall be so constructed as to empty or discharge any of its or their contents into any creek, stream, lake, pond or water course, the waters of which are used for or connect with waters used for the supply of water to any aqueduct, water main or reservoir of any city, township or other municipality of this state.

Proviso.

3. *And be it enacted*, That whenever there has heretofore been constructed or contracted to be constructed by the governing body of any town or township any sewer as aforesaid, whether within or beyond the territorial limits of such town or township, which has in

fact been accepted by such governing body, or to raise and pay the cost of which or any part thereof, bonds of said township have been issued or agreed to be issued and delivered, but for the construction of which sewers and issue of which bonds there existed at the time of such delivery or contract for the same, no valid statute or law authorizing the same, or where the validity of such statute is disputed or doubtful, it shall be lawful for said town council, township committee or other governing body to issue bonds of said town or township in lieu of or in exchange for such bonds before delivered or contracted for, and to deliver the same to the holders thereof, or persons entitled thereto, taking up and canceling any such first-issued bonds, and paying any interest due thereon out of the general fund of said town or township; any person having right to receive such original bonds may require such issue, substitution and delivery; *and further*, that in order to raise the costs and expenses agreed to be paid by such town or township for the construction of said sewer or sewers or the said outlet or outlets, connection or connections therewith, or the remainder thereof, it shall be lawful for the said town council, town committee or other governing body to issue, if in their judgment expedient, bonds in the corporate name of such town in such amount as may be necessary for that purpose; and all bonds contemplated by this act may be registered or coupon bonds, shall bear interest at a rate not exceeding six per centum per annum, shall be payable severally in not more than twenty years from their date, and shall not be sold or disposed of for less than their par value.

Governing body may issue bonds in lieu of former issue and for further expenses.

Bonds shall not be sold for less than par.

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

Approved March 6, 1895.

CHAPTER XCIII.

A Further Supplement to an act entitled "An act to authorize the appointment of a board of commissioners to represent the state of New Jersey at the World's Columbian exposition, to be held in Chicago, in the year of one thousand eight hundred and ninety-three," approved March eighteenth, one thousand eight hundred and ninety-one.

Geological exhibit to be turned over to geological survey.

Seacoast exhibit to the State library.

Agricultural exhibit to board of agriculture.

Educational exhibit to board of education.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the geological exhibit, as the same was produced and exhibited in Chicago, shall be turned over to the geological survey of this state, and be under its control and management; the seacoast exhibit shall be turned over to the state library, and the furniture and household effects and decorations of every sort shall be turned over to such departments of state as may be advised and directed by the governor of this state; the agricultural exhibit shall be turned over to the state board of agriculture, and the educational exhibit shall be turned over to the state board of education.

Appropriation to liquidate debts.

2. *And be it enacted*, That there be and is hereby appropriated the additional sum of twelve thousand five hundred dollars in excess of the sums heretofore appropriated in order to pay off and discharge and liquidate all debts due from and by said commission, and that same shall be paid by the treasurer of the state, upon warrant of the comptroller, to the treasurer of the commission in such sums as may from time to time be required and requested by resolution of the commissioners duly certified by the president of said commission, with the approval of the governor, and said sum so paid by the treasurer of the state to the treasurer of the board shall be expended and paid out only by resolution

of said board upon the approval of the president of said board, and this appropriation when made and paid, shall be in full and final discharge of all debts and demands of said commission, and the transfer of the property named in this act shall be finally made by the officers of the said world's fair commission as herein declared, immediately after the passage of this act, and the respective state departments to which the said exhibits and property are transferred shall maintain, use and control the same as they use and control all other property of the said state in the control of said departments respectively.

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

Approved March 6, 1895.

CHAPTER XCIV.

An Act to enable towns, villages and municipalities governed by boards of commissioners or improvement commissions to construct sewers through tide-water creeks or water courses within their corporate limits.

Governing board may construct sewers.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in any town or village or in any municipality governed by a board of commissioners or improvement commission in this state wherein any tide-water creek or water course now exists into which sewers and drains now empty, it shall and may be lawful for the governing body of any such municipality 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 water course an inclosed sewer to receive the sewage from the sewers and drains emptying into such creek or water course, and from such point in such creek or water course or from such boundary thereof to

such point in said creek or water course, or to such outlet of the same as shall be determined upon as most advisable and expedient, or upon any of the tide-waters or other waters bounding upon such town, village, or upon such municipality governed by commissioners or improvement commission into which the sewers thereof now enter; *and further*, to cause such creek or water course to be thereupon filled up, and such governing body are 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 or other place, with full powers of condemnation of any lands taken for the purposes aforesaid.

And cause water course to be filled up.

Cost, etc., to be assessed.

2. *And be it enacted*, That 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 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 an independent assessment.

Proviso.

Amount beyond assessment to be paid by municipality.

3. *And be it enacted*, That the costs, damages and expenses of constructing such improvement, including the cost of real estate acquired 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 the lands acquired therefor, in like manner as bonds are issued by such municipality for the payment of the costs, damages and expenses of other sewers constructed by any such municipality.

Municipality may issue bonds.

4. *And be it enacted*, That when any such improvement shall be located upon any lands other than public

highways or streets, and such land or any easement, right or estate therein, shall be necessary for the construction 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 award the owner or owners of such land just compensation therefor, and for the damages sustained by said land owners over and above any special benefits derived from said sewer, and shall add the amount of such compensation to the cost of building or constructing such sewer and works; before fixing the compensation in any case, such governing body shall notify the owner or owners of the land sought to be taken for the purpose aforesaid, to the end that such owner or owners may have full opportunity to be heard upon the question of the value of such land; the award or compensation shall be final, unless such governing body reconsider the same and make a new award, or unless said owner or owners within twenty days after notice of the amount fixed as compensation for said land shall, on two days' notice to such governing body, apply to the circuit court of the county wherein such improvement is located for the appointment of three disinterested freeholders residing in said county, to review the assessment for the value of the land to be taken and damages sustained thereby, whose report shall be made to said court within twenty days from and after their appointment, and upon the confirmation by said court of such report and assessment for damages so made as aforesaid by said freeholders, the same shall be final and conclusive, unless either party shall, within ten days after confirmation of said report, appeal to the circuit court of the county, which is hereby invested with full power to direct an issue and try such appeal by jury, and to make such order as may be necessary therein; such award shall bear interest at the rate of five per centum per annum from the date of making the same until paid.

Municipality may acquire lands for construction of sewer.

Proceedings in condemnation of lands.

5. *And be it enacted*, That the money for such improvement as aforesaid may be raised by any such municipality by sale of improvement certificates or

Improvement certificates may be issued.

temporary loans, or by the bonds of such municipality, the issue and sale whereof for the purpose of this act are hereby authorized.

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

Approved March 6, 1895.

CHAPTER XCV.

A Further Supplement to an act entitled "An act to enable cities in this state to furnish suitable accommodations for the transaction of public business and an armory for the use of the national guard therein organized," approved April fifteenth, one thousand eight hundred and eighty-seven.

Commissioners authorized to equip building and improve grounds.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in any city of this state wherein there has been or may hereafter be erected a new city hall, pursuant to the provisions of said act and supplements, the commissioners appointed under said act are hereby authorized and directed to furnish and equip the said building for occupancy, to improve the surrounding grounds and to purchase all necessary furniture and fixtures and other articles in order to fully furnish and equip the said building for immediate use by the officers and departments of city government, and to this end said commissioners shall use their judgment as to the furniture, fixtures and other articles necessary to furnish and equip the same, but shall not expend for said purpose, however, more than twenty-five thousand dollars without the consent of the board having charge and control of the finances of such city; that for the purpose of obtaining the money necessary for the purposes aforesaid the said commissioners shall, in writing, notify the said board

Expenditure limited.

having charge and control of the finances of such city of the amount which, in their judgment, will be necessary to furnish and equip the said building as aforesaid and improve the surrounding grounds, and thereupon said board shall raise, either upon the notes or bonds of said city, drawn for such time as the said board or body shall deem necessary, the amount of money named in said request and place the same to the credit of said commissioners, to be expended for the purposes aforesaid; the notes issued as aforesaid may be afterwards replaced by bonds of the city issued to take up and pay off said notes, which said later bonds the said board are hereby authorized to issue for such time as they deem best, not exceeding ten years.

Board of finance shall raise necessary money.

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

Approved March 6, 1895.

CHAPTER XCVI.

An Act respecting the assessment of taxes in cities of the first class in this state.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it may be lawful in cities of the first class for the board having charge of the assessment of taxes for said city, with the approval of the mayor of said city, to make such assessments by numerical block numbers, irrespective of the existence of ward or district lines.

Assessments may be made by block numbers.

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

Approved March 6, 1895.

CHAPTER XCVII.

An Act to amend an act entitled "An act to set off borough commissions from the townships in which they are located, and providing for their government," approved May second, one thousand eight hundred and ninety-four.

Borough commission shall hereafter be designated as a borough.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever a borough commission has heretofore or shall hereafter become separated from the township in which it is located, under the provisions of an act entitled "An act to set off borough commissions from the townships in which they are located, and providing for their government," approved May second, one thousand eight hundred and ninety-four, the said borough commission so separated shall hereafter be designated as a borough instead of borough commission.

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

Approved March 6, 1895.

CHAPTER XCVIII.

A Supplement to an act entitled "An act to provide for the appointment of police justices in cities of the first class," passed May eighteenth, one thousand eight hundred and ninety-four.

Police courts shall be courts of record with all the powers thereof.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the courts established by the act to which this act is a supplement

shall be courts of record and have official seals, and that all persons shall be amenable to punishment for contempt of said courts in the same manner as in other courts of record of this state having power to punish for contempt of court; and the said courts shall hereafter be designated as the first and second criminal courts respectively of the city in which they are established, and the police justices of each of said courts shall hereafter be, and be designated, the judges of said criminal courts of said city; and the judges of said courts in each city shall make such rules as shall be necessary for the orderly conduct of the business and proceeding of the said courts, which rules shall be approved by and be subject to the revision of the president judge of the court of common pleas of the county in which such city is situated.

Police justices to be designated as judges.

Rules subject to revision by common pleas judge.

2. *And be it enacted*, That the board of police commissioners in such city where said courts are established shall provide suitable rooms for the transaction of the business of such courts, and procure suitable furniture therefor, and such books and stationery as may be necessary, and shall designate the police officers to attend the sittings of such courts and preserve order therein.

Police commissioners to provide rooms, etc.

3. *And be it enacted*, That said courts shall have, possess and exercise, in addition to the powers, authority and jurisdiction which the said police courts and the said police justices thereof may now have, all the powers, authority and jurisdiction of the court of two justices of the peace, and of the justices of the peace in and for the several counties of this state, except such as are conferred upon the said justices of the peace by the following acts: an act entitled "An act constituting courts for the trial of small causes," approved March twenty-seventh, one thousand eight hundred and seventy-four, and the various supplements thereto; an act entitled "An act concerning landlords and tenants," approved March twenty-seventh, one thousand eight hundred and seventy-four, and the various supplements thereto; an act entitled "An act for the relief of creditors against absconding and absent debtors," approved March twenty-seventh, one thousand eight hundred and seventy-four, and the various supplements thereto; an

Courts to have power of justices courts in addition, except in certain cases.

act entitled "An act concerning forcible entries and detainers," approved April sixteenth, one thousand eight hundred and forty-six.

Jury trials only in certain cases.

4. *And be it enacted*, That no person tried in said courts shall be entitled to a trial by jury, except in all suits for the violation of city ordinances, and in cases arising under section five of an act entitled "An act concerning disorderly persons," and under an act entitled "An act for the maintenance of bastard children."

How writs, etc., shall be authenticated.

5. *And be it enacted*, That it shall be lawful for all commitments, writs and other processes of said courts either to be signed by the judge therefor or to be tested in the name of the said judge and signed by the clerk of the said court, and the said clerk shall have authority to take any complaint or complaints, or affidavit or affidavits, to be used in said courts respectively, and to administer any oath or affirmation proper to be administered in said courts, and by the instruction of the judge to receive in the judge's absence the verdict of any jury, and in the absence of the judge to adjourn the court to the following day; and that the dockets of said courts shall be kept by the respective clerks thereof, and the papers and records of said courts shall be filed by them, and be and remain in their custody, to be delivered to their respective successors; and that the said clerks shall have all the power and authority appertaining by law to clerks of courts of record, and the judge of said courts, or the clerk thereof in his absence, may take bail in all cases except treason, murder and manslaughter, provided that the amount of such bail when taken by the clerk shall have been first fixed by the judge; and in all cases of summary convictions had in such courts the complaint, warrant, record of the proceedings and the conviction of the offender shall be and remain in the custody of such clerks as a part of the records of said courts, and it shall not be necessary to take or keep any record of the evidence or testimony taken on the trial of any case in said courts.

Powers and duties of clerk.

Amount of bail to be taken to be fixed by the judge.

Record of evidence unnecessary.

Proceedings in cases of complaint.

6. *And be it enacted*, That in all cases when a complaint shall be made in said courts a summons or warrant may issue thereon in the discretion of the judge

thereof; if a summons is issued it shall, as near as may be, be served and returned in the same manner as in courts for the trial of small causes, except that the summons may be made returnable in two days from its service; if any trial or examination before any of the said courts shall be adjourned, the judge or clerk thereof may take bail to such city in which said court is established that the defendant shall appear in said court at the time to which the said trial or examination is adjourned, and not depart the said court without leave; and that if a defendant who has been duly summoned shall not appear on the return day, or on the day when such cause shall be tried, the said cause may be heard and determined in his absence, and if a commitment shall be issued, it shall be lawful for the defendant to be taken into custody under the said commitment in the same manner as under a warrant, and to be delivered to the keeper of the county jail as directed in the said commitment.

Record to be made in cases of conviction.

7. *And be it enacted*, That if any person shall be convicted in any of said courts, it shall be sufficient for the conviction to set out the name of the defendant, and the number of the section and the title of the statute or ordinance under which the conviction is had, the names of the witnesses sworn and a list of the exhibits produced at the trial, and a statement that the defendant was convicted, with the date of such conviction, which conviction may be signed by the judge of such court or tested in the name of the judge and signed by the clerk thereof under seal of such court; it shall not be necessary to set forth in said conviction the whole or any part of the testimony upon which such conviction is had.

Judge may designate a deputy clerk.

8. *And be it enacted*, That the judge of any of said courts may, at the request of the clerk thereof, designate in writing a deputy clerk, who shall have authority to write for said clerk and to sign his name to all papers, the said clerk being responsible for all the acts of his said deputy.

May sit in any other police court and any justice of the peace may sit for him.

9. *And be it enacted*, That it shall be lawful for a judge of any of said courts to sit as judge of any other of said courts, and any duly qualified justice of the

peace, at the request of the judge of said court, may sit in the place and stead of said judge, and the judge or justice so sitting shall have the same power and authority as the judge of said court.

Cases of violation of ordinances may be summarily disposed of.

10. *And be it enacted*, That any person found violating any ordinance of any of said cities, or of any board of such city, may be arrested by any police officer of such city or by any employee of said city or said board, whose duty it shall be to enforce said ordinances, and taken before any of said courts in said city, when the case shall be summarily heard and disposed of by the judge of said court without the filing of any pleadings, and if the defendant shall be found guilty the judge of said court may impose upon him a fine not exceeding the penalty prescribed for the violation of such ordinance, and in default of the payment of the said fine the defendant shall be committed to the county jail for any number of days the said judge may determine, not exceeding in number the number of dollars of the fine so imposed.

May commit disorderly persons to workhouse or jail.

11. *And be it enacted*, That in all cases where any person shall be convicted in said courts of having violated any of the provisions of the act entitled "An act concerning disorderly persons" [Revision], approved April ninth, one thousand eight hundred and seventy-five, or of the various supplements thereto, it shall and may be lawful for the judge before whom such person was convicted to commit such person to the workhouse or common jail of the county in which such person may be convicted, for a period not to exceed ninety days, or to impose a fine of not more than thirty dollars on the person so convicted; *provided*, that this section shall not apply to persons convicted under the fifth section of said act.

Proviso.

May remit fines and penalties.

12. *And be it enacted*, That in case any person convicted in said courts shall have been committed to the workhouse or common jail in default of paying the fine or penalty imposed upon such conviction, it shall be lawful for the judge imposing such fine or penalty to remit the whole or any portion thereof, and to discharge the person so committed from further custody; and in case any person convicted in said courts shall have been

committed to the workhouse or common jail without a fine, it shall be lawful for the judge before whom such conviction was had, upon application made to him for that purpose, to order the person so committed to be brought before him for a rehearing, and if on such rehearing it shall appear to the satisfaction of said judge that the person so convicted should be discharged from further custody, it shall be lawful for said judge to discharge said person.

May rehear cases and discharge persons theretofore convicted.

13. *And be it enacted*, That in case any person shall be convicted in said courts of keeping or maintaining a disorderly house or house of ill-fame, in violation of the provisions of the ordinances of the city in and for which such courts exist, it shall be lawful for the judge to impose upon the person so convicted the penalty prescribed in the ordinances, or to commit the person so convicted to the workhouse or common jail of the county in which such person may be convicted, for a period not to exceed ninety days.

May commit persons convicted of keeping houses of ill-fame, etc.

14. *And be it enacted*, That it shall be lawful for the justice of the supreme court holding the circuit in each of the counties wherein such courts exist, or for the president judge of the court of common pleas of such county, upon application made for that purpose by any person summarily convicted in said courts, to order the complaint and warrant (if there be a complaint and warrant) the commitment, and the record of conviction, to be forthwith brought before him, and if such complaint, warrant, record of conviction or commitment shall be found illegal, such conviction shall be forthwith set aside, and the persons so convicted discharged from further custody.

Convictions may be set aside by justice of supreme court.

15. *And be it enacted*, That the said justice of the supreme court, or judge of the court of common pleas, for each case brought before him under the provisions of the preceding section, shall be entitled for his services therein to the sum of two dollars, to be paid by the applicant, and said fees, when paid, shall be disposed of as now required by law.

Fee of supreme court justice.

16. *And be it enacted*, That it shall not be necessary for the judges of the said courts to take in writing the examination of any person brought before them charged

Unnecessary to commit examinations to writing unless asked for.

with any crime, misdemeanor or offense not triable in said courts, unless the person so charged shall ask for such examination.

Salaries shall be paid monthly.

17. *And be it enacted*, That the salaries of the judges and the clerks of said courts shall be payable monthly, in the same manner that other officers of such cities are paid.

Repealer.

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

Approved March 7, 1895.

CHAPTER XCIX.

A Further Supplement to an act entitled "An Act to remove the fire and police departments in the cities of this state from political control," approved May second, one thousand eight hundred and eighty-five.

Patrolmen shall receive $3 a day.

1. BE IT ENACTED, *by the Senate and General Assembly of the State of New Jersey*, That the board of police commissioners in the cities of the first-class, created by the act to which this act is a further supplement, shall fix the compensation of the patrolmen at the rate of three dollars per day, the said compensation to begin on the first day of the next calendar month after this act shall go into effect.

Police board shall furnish estimate of expenses of department.

2. *And be it enacted*, That on or before the first day of May in each year the board of police commissioners created as aforesaid shall estimate in detail the expenses of the police department for the ensuing year and shall transmit such estimate to the common council of such city or other body having charge of the finances thereof, which sum so estimated the said body shall cause to be assessed and raised by making provisions therefor in the tax ordinance of each year; *provided*, *however*, that

Board of finance shall provide for same.

Proviso.

if said estimate for the expenses of the police department shall in any year exceed an amount equal to two mills and seven-tenths of a mill on every one dollar upon such valuation that it shall be optional with such common council whether the excess or any part thereof be raised by taxation in said city or not; *provided*, Proviso. *further*, that the said board shall not make any expenditures or incur any indebtedness exceeding the amount so appropriated and raised; *provided*, *however*, that Proviso. where in any city the amount now authorized to be raised for current general expense is fixed and limited that so much of the sum required by this act to be raised therein as exceeds the amount now by law required to be raised by taxation therein for the purpose aforesaid shall not be included in such limitation but shall be raised in addition thereto.

3. *And be it enacted*, That this act shall take effect immediately but its provisions shall remain inoperative in any city in this state until the same shall be accepted by the voters of such city by a majority of the votes cast for or against such act at any charter or general election hereafter to be held in such city; if a majority of those voting for the acceptance or rejection of this act shall be in favor of its acceptance then this act shall go into effect immediately and the provisions thereof shall be deemed to be accepted by such city, and such city shall be bound by the terms of this act; persons entitled to vote at any charter or municipal election shall express their assent to or rejection of this act by depositing their ballots in the box provided for depositing ballots at such election in the election precincts or districts or wards of any such city; the words "for act to increase compensation of patrolmen" shall be printed on each ballot beneath the list of candidates thereon; if said words or proposition be marked off or defaced upon the ballot it shall be counted as a vote against the same; if not marked off or defaced it shall be counted as a vote in favor thereof; there shall be a canvass of the return of the votes upon the question of such acceptance or rejection made by the election officers in the same way and manner as for officers voted for at such election and if the majority of the

This act to remain inoperative until accepted at an election.

How the election shall be conducted and determined.

New Jersey State Library

votes cast for or against this act shall be found to be in favor of its acceptance it shall then but not otherwise go into effect and be binding upon such city wherein such vote shall have been taken.

When act shall be submitted to a vote at the charter election.

4. *And be it enacted*, That in all cities which have heretofore accepted the provisions of the act to which this act is a further supplement the question of the acceptance of this act shall be submitted at the charter election to be held in such city first after the passage of this act, and thereafter the question of the acceptance or rejection of this act may be submitted at any election upon the order of the common council or other governing bodies of such city, expressed by resolution and voted for by a majority of all the members of said body.

Repealer.

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

Approved March 7, 1895.

CHAPTER C.

A Further Supplement to an act entitled "An act to remove the fire and police departments in the cities of this state from political control," approved May second, one thousand eight hundred and eighty-five.

Board of fire commissioners shall fix compensation of members of department at rates named.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the board of fire commissioners in the cities of the first class, created by the act to which this act is a further supplement, shall fix the compensation of the permanent members of the fire department as follows: To the captain or foreman of each respective company, the sum of twelve hundred dollars per annum; to each permanent member who has served three years and over, the sum of eleven hundred dollars per annum; to the other permanent members of

said fire department as follows: for their first year of service, the sum of seven hundred and fifty dollars per annum; for their second year of service, the sum of nine hundred dollars per annum, and for their third year of service, nine hundred and fifty dollars per annum; the above sums to be paid in monthly payments to the above captains, foremen and permanent members; the said compensation to begin on the first day of the next calendar month after this act shall go into effect.

Payments shall be made monthly.

2. *And be it enacted*, That on or before the first day of May in each year the board of fire commissioners created as aforesaid shall estimate in detail the expenses of the fire department for the ensuing year, and shall transmit such estimate to the common council of such city or other body having charge of the finances thereof, which sum so estimated the said body shall cause to be assessed and raised by making provision therefor in the tax ordinance of each year; *provided, however*, that if said estimate for the expenses of the fire department shall in any year exceed an amount equal to one mill and seventy-five one-hundredths of a mill on every one dollar upon such valuation that it shall be optional with such common council whether the excess or any part thereof be raised by taxation in said city or not; *provided, further*, that the said board shall not make any expenditure or incur any indebtedness exceeding the amount so appropriated and raised; *provided, however*, that where in any city the amount now authorized to be raised for current general expense is fixed and limited, that so much of the sum required by this act to be raised therein as exceeds the amount now by law required to be raised by taxation therein for the purpose aforesaid, shall not be included in such limitation but shall be raised in addition thereto.

Board shall furnish estimate of expenses of department.

Board of finance shall provide for same.

Proviso.

Proviso.

3. *And be it enacted*, That this act shall take effect immediately but its provisions shall remain inoperative in any city in this state until the same shall be accepted by the voters of such city by a majority of the votes cast for or against such act at any charter or general election hereafter to be held in such city; if a majority of those voting for the acceptance or rejection of this

Act to remain inoperative until accepted at an election.

act shall be in favor of its acceptance then this act shall go into effect immediately and the provisions thereof shall be deemed to be accepted by such city and such city shall be bound by the terms of this act; persons entitled to vote at any charter or municipal election shall express their assent to or rejection of this act by depositing their ballots in the box provided for depositing ballots at such election in the election precincts or districts or wards of any such city; the words "for act to increase compensation of firemen" shall be printed on each ballot beneath the list of candidates thereon; if said words or proposition be marked off or defaced upon the ballot it shall be counted as a vote against the same; if not marked off or defaced it shall be counted as a vote in favor thereof; there shall be a canvass on the returns of the votes upon the question of such acceptance or rejection made by the election officers in the same way and manner as for officers voted for at such election, and if the majority of the votes cast for or against this act shall be found to be in favor of its acceptance it shall then but not otherwise go into effect and be binding upon such city wherein such vote shall have been taken.

How the election shall be conducted and determined.

When act shall be submitted to a vote at a charter election.

4. *And be it enacted*, That in all cities which have heretofore accepted the provisions of the act to which this act is a further supplement, the question of the acceptance of this act shall be submitted at the charter election to be held in such city first after the passage of this act and thereafter the question of the acceptance or rejection of this act may be submitted at any election upon the order of the common council or other governing body of such city expressed by resolution and voted for by a majority of all the members of said body.

Repealer.

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

Approved March 7, 1895.

CHAPTER CI.

An Act regulating the display of national flags or ensigns other than the American flag or ensigns on public buildings of this state.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall not be lawful to display the flag or emblem of any foreign country upon any state, county or municipal building; *provided*, *however*, that whenever a foreigner shall become the guest of the United States, the state, or any city, upon public proclamation by the Governor or the mayor of any such city, the flag of the country of which such public guest shall be a citizen may be displayed upon such public buildings. Display of foreign flags prohibited. Proviso.

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

Approved March 7, 1895.

CHAPTER CII.

An Act to extend the time for building and putting in operation certain street railways incorporated under an act entitled "An act to provide for the incorporation of street railway companies and to regulate the same," approved April sixth, one thousand eight hundred and eighty-six.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever the time limited for the building and putting in operation Time extended.

of any street railway or any portion thereof authorized to be constructed under the act referred to in the title of this act shall expire during the year one thousand eight hundred and ninety-five, such time shall be and the same is hereby extended for a further period of one year, and any moneys paid to the state treasurer as a guarantee of good faith under section three of said act shall not be forfeited to the use of the state until the expiration of said further period of one year; *provided, however*, that this act shall not apply unless money has actually been expended in the construction of said railway or some portion thereof previous to the passage of this act.

Guarantee shall not be forfeited.

Proviso.

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

Approved March 7, 1895.

CHAPTER CIII.

An Amendment to an act entitled "An act to provide for the autonomy of certain cities in this state which have been created out of townships whose officers have continued to exercise their functions within the corporate limits of such cities," approved February twenty-fifth, one thousand eight hundred and ninety-five.

Section to be amended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section seven of the act entitled "An act to provide for the autonomy of certain cities in this state which have been created out of townships whose officers have continued to exercise their functions within the corporate limits of such cities," approved February twenty-fifth, one thousand eight hundred and ninety-five, be and the same is hereby amended as follows:

7. *And be it enacted*, That all acts or parts of acts inconsistent with or repugnant to this act, in so far as they are inconsistent with or repugnant hereto, be and the same are hereby repealed, and that this act shall take effect immediately; *provided*, *however*, that nothing in this act contained shall prevent or in any way interfere with the collection in such cities by the officers of said township of taxes heretofore assessed upon persons and property within the limits of such cities by said township assessor, but the payment of such taxes may be enforced in the same manner and to the same extent as if this act had not been passed; *and provided*, *further*, that this act shall not be held to apply, and shall not apply, to any township having a population of less than six thousand, or to any city situate in any such township. Repealer. Proviso.

Approved March 7, 1895.

CHAPTER CIV.

An Act to provide for the issue of temporary bonds or obligations in anticipation of the renewal of maturing bonds, under existing statutes, in cities of the second class of this state.

WHEREAS, In certain cities of the second class in this state their bonds fall due and become payable at various times during each year; *and whereas*, it is advantageous and advisable that such cities renew bonds so falling due at one time and not at frequent intervals, and in order that such cities may temporarily provide for such bonds until a renewal is made and had thereon; therefore, Preamble.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the common council, board of finance or other gov- Governing body may issue temporary bonds.

erning body of any city of the second class in this state to issue from time to time its temporary bonds or obligations in anticipation of the renewal of bonds falling due, said renewal of bonds to be made and had under and by virtue of existing statutes; and said temporary bonds or obligations shall run for a period not exceeding, with renewals, one year.

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

Approved March 7, 1895.

CHAPTER CV.

A further supplement to the act entitled "An act to provide for the purchase of sites for and the erection and equipment of armories in cities of the first and second class, and making appropriations therefor, and to provide for the taking of real estate for such sites by commission in case the same cannot be purchased by agreement," approved March twenty-third, one thousand eight hundred and eighty-eight.

Preamble. WHEREAS, No appropriation has been made for the equipment and furnishing of the amories in Jersey City and Paterson, and by reason thereof they cannot be devoted to the uses and purposes for which they are intended; *and whereas*, it is impossible to raise, by voluntary subscription, the entire amounts necessary to properly equip and furnish said armories:

Appropriation. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the sum of six thousand dollars, or so much thereof as may be necessary, is hereby appropriated for the equipment and furnishing of the armory at Jersey City, and the sum of six thousand dollars, or so much thereof as may be nec-

essary, is hereby appropriated for the equipment and furnishing of the armory at Paterson, the said sums, or so much thereof as may be necessary for the said purposes, to be disbursed by and under the direction of the state military board, and the said sums of money, or so much thereof as may be necessary for the purposes aforesaid, to be paid by the state treasurer, out of any funds in his hands not otherwise appropriated, on the warrant of the comptroller, upon requisition of the state military board, approved by the governor.

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

Approved March 7, 1895.

CHAPTER CVI.

An Act fixing the time for holding elections for township officers and members of the boards of chosen freeholders in certain townships of this state.

Time fixed for certain townships.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in all townships in the counties of the second class in this state having a population not exceeding one hundred thousand inhabitants, the elections for township officers and members of the boards of chosen freeholders shall be held on the second Tuesday in the month of March.

Repealer.

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

Approved March 7, 1895.

CHAPTER CVII.

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

All boroughs shall be separate in government from the townships.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all boroughs existing within the limits of any of the townships of this state incorporated under the act to which this is a supplement, shall hereafter be entirely separate and independent in all matters of local government from the townships out of which said boroughs have been created.

And shall elect certain officers.

2. *And be it enacted*, That in all boroughs incorporated under the act to which this is a supplement the legal voters of said boroughs shall, at each annual election for borough officers, elect justices of the peace, constables, surveyors of the highway, pound keepers and overseers of the poor for such boroughs, in accordance with existing statutes regulating the election and term of office of such officers in townships.

Term for which mayor shall be elected.

3. *And be it enacted*, That the mayor of each and every borough incorporated under the act to which this is a supplement shall hereafter be elected to serve for the term of two years.

Appropriations shall be voted for at the annual election.

4. *And be it enacted*, That the legal voters of all boroughs incorporated under the act to which this is a supplement shall have the right, by vote, to designate annually, upon the ballots used in voting for borough officers, such amounts as may be deemed advisable for any and all legal purposes of a local nature in any way connected with said boroughs.

May elect a member of board of chosen freeholders.

5. *And be it enacted*, That hereafter all boroughs incorporated under the act to which this is a supplement shall be entitled to one member of the board of chosen freeholders, provided the population exceeds twenty-five hundred, to be elected in accordance with the existing

statutes now regulating the election and length of terms of members of said boards of chosen freeholders.

Township officers shall serve until next annual borough election.

6. *And be it enacted*, That in case of the formation of any borough out of the part of any township in this state by virtue of the above act, any member of the township committee, overseer of the roads or township officer, residing within the limits of the borough, shall hold his said office and perform the duties thereof until the next general election is held for the election of township officers, at which time some other person or persons residing in the remaining part of said township shall be elected in his place and stead, whether the term of his said office for which he was originally elected has expired or not.

Repealer

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

Approved March 7, 1895.

CHAPTER CVIII.

An Act respecting the townships in this state which have been or may hereafter be divided into wards.

Boroughs shall not be created of townships divided into wards.

1. BE IT ENACTED, *by the Senate and General Assembly of the State of New Jersey*, That hereafter it shall not be lawful to form or create any borough out of any part of the territory of any township in this state which now is or hereafter may be divided into wards.

Repealer.

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

Approved March 7, 1895.

CHAPTER CIX.

An Act to amend the act entitled "An act to enable the owners of the tide swamps and marshes to improve the same, and the owners of meadows already banked in and held by different persons to keep the same in good repair," passed November twenty-ninth, one thousand seven hundred and eighty-eight.

Section to be amended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section one of the act entitled "An act to enable the owners of the tide swamps and marshes to improve the same, and the owners of meadows already banked in and held by different persons to keep the same in good repair," passed November twenty-ninth, one thousand seven hundred and eighty-eight, shall be and is hereby amended by this act to read as follows:

Proceedings in case owners disagree.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That if the owners of a majority of the number of acres of any body or tract of marsh or swamp exposed to the overflow of the tide and capable of being laid dry and put in a proper state for improvement by one general bank or dam are desirous to improve the same, and the whole cannot agree, such owners, desirous of improving as aforesaid, after giving three weeks' previous notice to those who refuse or neglect to join in such improvement, by notice left at each of their places of abode or by advertising their intentions in three of the most public places in the neighborhood at least three weeks previous thereto, may apply to the court of common pleas of the county in which such marsh doth lie, or, in case a county line shall run through the marsh or swamp proposed to be improved as aforesaid, to the court of common pleas nearest thereto; on which application the members of

such court, who are disinterested and unconnected with the parties, shall and they are hereby required to appoint by certificate, under their hands and seals, three or more judicious and disinterested men, well acquainted with banking and improving tide meadows, as commissioners; which commissioners, after giving notice of the time and place of meeting, shall view the premises and hear the parties, and if they then think proper, lay out the bank, dam, sluices, flood-gates or other works necessary for securing the marsh or swamp from the overflow of the tide in such place or places as may appear most safe and beneficial to the whole of the owners of the marsh or swamp intended to be secured from the overflow of the tide and make an actual survey thereof, describing the place of beginning, courses and distances and places where the sluice or sluices or flood-gates shall be laid, and where the bank or dam shall join the fast land; and also fix a name for the company and appoint the time and place of their first meeting and deliver a certificate of their proceedings signed by a majority of them to the clerk of the court from which they receive their appointment, which clerk shall forthwith record the said certificate in the road book kept in his office; *provided, always*, that no navigable water shall be stopped by virtue of this act, the use of which navigation may, in the opinion of the majority of the men appointed as aforesaid, be of more than half the value to the inhabitants of the neighborhood that the improvement of the meadow would be to the owners thereof; *and provided, also*, that nothing in this act shall be construed to authorize the stopping out of any creek or river capable of navigation for shallops or flats that can carry eight cords of wood. Proviso. Proviso.

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

Approved March 7, 1895.

CHAPTER CX.

An Act to amend the act entitled "A supplement to an act entitled 'An act to enable the owners of the tide swamps and marshes to improve the same, and the owners of meadow already banked in and held by different persons to keep the same in good repair,' passed November twenty-ninth, one thousand seven hundred and eighty-eight," which supplement was passed November twenty-seventh, one thousand eight hundred and six.

Section to be amended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section one of the act entitled "A supplement to an act entitled 'An act to enable the owners of the tide swamps and marshes to improve the same, and the owners of meadow already banked in and held by different persons to keep the same in good repair,' passed November twenty-ninth, one thousand seven hundred and eighty-eight," which supplement was passed November twenty-seventh, one thousand eight hundred and six, shall be and is hereby amended to read as follows:

Proceedings of owners to obtain the privileges of the act amended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the owners or possessors of more than one-half of any body of meadow who have subjected or shall subject themselves to the above-recited act, and in all cases where the commissioners have or may lay off to each owner or possessor their proportion of such bank, sluices, water works and water courses to uphold and maintain, to certify under their hands, to the clerk of the court of the county in which such meadow shall lie, that they have agreed to become subject to this supplement, which certificate it shall be the duty of such

clerk to record in the road-book of such county, for which he shall receive the same fees per sheet as are allowed by law for the recording of deeds.

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

Approved March 7, 1895.

CHAPTER CXI.

An Act to amend the act entitled "A further supplement to an act entitled 'An act to enable the owners of the tide swamps and marshes to improve the same, and the owners of meadows already banked in and held by different persons to keep the same in good repair,' passed November twenty-ninth, one thousand seven hundred and eighty-eight," which supplement was passed January twenty-second, one thousand eight hundred and twenty-nine.

Section to be amended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section one of the act entitled "A further supplement to an act entitled 'An act to enable the owners of the tide swamps and marshes to improve the same, and the owners of meadows already banked in and held by different persons to keep the same in good repair,' passed November twenty-ninth, one thousand seven hundred and eighty-eight," which supplement was passed January twenty-second, one thousand eight hundred and twenty-nine, shall be and is hereby amended to read as follows:

Court may appoint commissioners to lay out cross banks, etc.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That when any tract of marsh or swamp is exposed to the overflow of the tide and the same may admit of a division by one or more crossbanks into separate parts, it shall be law-

ful for the owners of more than one-half of any part of said marsh which may be justly separated from the rest by a crossbank, to apply to the court of common pleas of the county in which such marsh doth lie, as directed by the first section of the act to which this is a supplement; upon which said court is required to appoint three or more judicious and disinterested men, well acquainted with banking and improving tide meadows, as commissioners who shall view the premises, hear the parties applicant and others interested; and if they think proper, lay out the crossbanks, sluices and floodgates and works requisite for securing the marsh or swamp from the overflow of the tide in such place and places and directions as may appear reasonable and most safe and beneficial to the owners of such part of the marsh and swamp which is proposed to be secured from the overflow of the tide, subject to the like rules, regulations and proceedings as required by the act and supplements to which this is a further supplement.

Section to be amended.

2. *And be it enacted*, That section three of the said act be amended to read as follows:

Proceedings to revalue and assess company's lands.

3. *And be it enacted*, That whenever the owners and possessors of more than one-half of the marsh, meadow ground and swamp lying within the bounds of any meadow bank company shall agree to a re-valuation and assessment of the several lots and parcels of such marsh, swamp and meadow ground it shall and may be lawful for the owners and possessors of the same company at a special meenting to be held for such purpose, notice of which said meeting shall be given by the managers or clerk of the company, by putting up advertisements thereof in three or more public places near the premises, setting forth the time and place of meeting, to choose by ballot or otherwise, three or more indifferent and disinterested men to re-value all the marsh, swamp and meadow ground secured by the bank or dams from the overflow of the tide; and the managers of the said company are hereby required to make all subsequent duplicates and assessments agreeably to such re-valuation.

Section to be amended.

3. *And be it enacted*, That section four of the said act be amended to read as follows:

4. *And be it enacted*, That it shall and may be lawful

for the owners and possessors of any tract of marsh, swamp or meadow ground lying within the bounds of any meadow bank company, organized or to be organized under the provisions of the act to which this is a supplement, to cause the same to be subjected to the overflowing of the tide in such manner and for such time or times as the same company shall, at their annual meeting, direct and appoint; *provided, always*, that the owners of more than one-half of such marsh, swamp or meadow ground shall vote or agree to such overflow. Owners may cause lands to be overflowed. Proviso.

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

Approved March 7, 1895.

CHAPTER CXII.

An Act to amend the act entitled "A further supplement to an act entitled 'An act to enable the owners of the tide swamps and marshes to improve the same, and the owners of meadows already banked in and held by different persons to keep the same in good repair,' passed November twenty-ninth, one thousand seven hundred and eighty-eight," which supplement was approved March nineteenth, one thousand eight hundred and seventy-eight.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section one of the act entitled "A further supplement to an act entitled 'An act to enable the owners of the tide swamps and marshes to improve the same, and the owners of meadows already banked in and held by different persons to keep the same in good repair,' passed November twenty-ninth, one thousand seven hundred and eighty-eight, which supplement was approved March nine- Section to be amended.

teenth, one thousand eight hundred and seventy-eight, shall be and is hereby amended to read as follows:

Owners may dam stream to prevent overflow of tide water.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the owners and possessors of more than one-half of any body or tract of marsh or swamp in this state exposed to the overflow of the tide, desiring to improve the same, and who have complied with or subjected themselves to the before-recited act, may erect and construct across any stream of water that may flow through said land any bank, dam, sluice, flood-gates or other work necessary to secure the same from the overflow of the tide; *provided*, that this act shall not apply to streams or creeks running to or through any village, town or city, or to any established wharf or landing.

Proviso.

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

Approved March 7, 1895.

CHAPTER CXIII.

An Act providing for the formation, establishment and government of towns.

Question of incorporation shall be decided at a special election.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the inhabitants of any town, village, borough or township which has, or hereafter may have, a population exceeding five thousand inhabitants, may become a body politic and corporate in fact and in law by the name and title of "the town of (specifying the name borne by such town, borough or township), in the county of (specifying the county in which the same is situated)," whenever, at any special election called for that purpose, or at any town or charter meeting or election, at which the question of incorporating under this act is submitted, as

hereinafter provided, it shall be so decided by a majority of the voters thereof voting at any such election.

Governing body of town, borough or township shall provide for the election.

2. *And be it enacted*, That the council, township committee or other governing body of any such town, borough or township, upon the petition, in writing, of at least fifty resident freeholders, may, by the votes of the majority of all the members thereof, adopt an ordinance for the holding of a special election in such town, borough or township for the purpose of deciding whether such town, borough or township shall become incorporated as a town under the provisions of this act, which ordinance shall prescribe the time and place or places of holding such special election and such other regulations respecting the same as may be deemed necessary and proper; *provided*, *however*, that instead of providing for a special election, such ordinance may provide for submitting the question of incorporating as a town under this act to the voters of such town, borough or township at the town or charter meeting or election to be held next thereafter.

Proviso.

Notice of election shall be advertised and posted.

3. *And be it enacted*, That if a special election be called, notice of the same shall be given by advertisement published in the official newspaper or newspapers (if any) of such town, borough or township, and if there be none, in at least two newspapers published in the county and circulating in such town, borough or township, at least once in each week for two weeks successively, and by printed notices posted in at least one hundred conspicuous places therein, at least fifteen days next preceding the time appointed for such special election, which advertisements and notices shall specify and set forth the time, place or places and the object and purpose of holding such special election; and in case said ordinance provides for submitting the question of incorporating as a town under this act at a town or charter meeting or election, notice thereof shall be given by advertisement published in the official newspaper or newspapers of such town, borough or township (if any), and if there be none, in two newspapers, published in the county and circulating in such towns borough or township for two weeks successively, next preceding the day appointed by law for holding such

What the notice shall specify.

election, at least once in each week, and by printed notices posted in at least one hundred conspicuous places therein at least fifteen days prior to the day appointed by law for holding such election, which advertisement and notices shall set forth that the question of incorporating as a town under the provisions of this act will be submitted at the next ensuing town or charter meeting or election.

How the election shall be conducted.

4. *And be it enacted*, That any special election held under the provisions of this act shall be by ballot and shall be held and conducted under the general acts respecting elections, and the votes shall be canvassed and counted in the manner provided by law for canvassing and counting votes at town or local elections held in such town, borough or township; the ballots shall contain the words "for incorporation as a town under the act entitled 'An act providing for the formation and government of towns,'" or "against incorporation as a town under the act entitled 'An act providing for the formation and government of towns;'" and in case the question of incorporation as a town under this act shall be submitted at a town or charter meeting or election, the words "for incorporation as a town under the act entitled 'An act providing for the formation and government of towns,'" shall be printed on each ballot beneath the list of candidates thereon; if said words or proposition be marked off or defaced upon the ballot, it shall be counted as a vote against the same; if not marked off or defaced, the ballot shall be counted as a vote in favor thereof; if a majority of the votes so cast at any special town or charter meeting or election shall be in favor of incorporation as a town under this act, then within three days after the result of the election shal have been declared, a certificate of the result of such election, signed by the chairman of the council, committee or governing body of such town, borough or township, and attested by the clerk thereof, together with certified copies of the petition, ordinance and statement of the board of canvassers or election officers who canvassed the vote, and proof by affidavits that due notice of such election was given, shall be filed with the secretary of state, and from and after filing the

same such town, borough or township shall be and it is hereby declared to be a body politic and corporate in fact and in law by the name and title aforesaid, and by said name and title shall have perpetual succession, sue and be sued, prosecute and defend in all courts in this state; have a common seal and alter the same at pleasure, and purchase, hold and convey real and personal property for the use and benefit of the town.

Town shall be divided into wards.

5. *And be it enacted*, That it shall be the duty of the council, township committee or other governing body of such town, borough or township, which shall have voted as aforesaid for incorporation as a town under this act, to divide such town into not less than three wards; each shall consist of contiguous territory, and each shall contain as nearly as possible an equal number of inhabitants; *provided*, *however*, that such division into wards shall be made at least one month before the first annual town election held under this act; *and provided further*, that where any town, borough or township shall have been divided into three or more wards before adopting this act, such division shall continue, and such existing wards shall constitute the wards of the town as formed and incorporated under this act until changed by the council, and said council may change such division and create new or different wards at any time within one year after the declaration of the result of any official state or United States census.

Proviso.

Proviso.

Officers previously elected shall hold and act.

6. *And be it enacted*, That the officers of any town, borough or township, which has voted as aforesaid for incorporation as a town under this act, who shall hold office at the time of filing the aforesaid certificate with the secretary of state, shall continue to hold their respective offices until the first day of May next succeeding the first annual town election held under this act, and shall in all things be subject to the provisions of this act in the same way as if they had been elected hereunder; and no surety of any such officer shall be discharged from liability on account of any change made in the duties of such officer by this act, unless, within five days after this act becomes operative in such town, he shall, in writing, notify the council of

Sureties of shall be held liable.

his intention to withdraw from his suretyship, in which case he shall be discharged from liability from the time this act becomes operative in such town; and the council may require such officer to furnish new or additional sureties in place of the ones withdrawing as aforesaid; and if he fails or neglects so to do, the council may declare his office vacant, and may fill such vacancy in the manner hereinafter prescribed for the filling of vacancies.

When sureties may be discharged.

Officers not previously provided for may be appointed.

7. *And be it enacted*, That the council or governing body of the town may fill by appointment all such offices herein provided for which did not exist in the town, borough or township of which it is the successor; and all such appointments to elective offices shall hold only until the first day of May next succeeding the first town election held under the provisions of this act, and all other such appointments shall hold only until the first day of June next thereafter.

Town shall succeed to the rights and property and liabilities of the municipality of which it is the successor.

8. *And be it enacted*, That any town which may be formed or incorporated under the provisions of this act shall take, hold, possess and enjoy and become absolutely vested with all the rights and property of the town, borough or township of which it is the successor, and shall be responsible for and liable to all contracts debts and obligations of such town, borough or township.

Town and ward officers specified.

9. *And be it enacted*, That the town and ward officers of the town shall be a town council, consisting of two councilmen from each ward and one councilman-at-large, a town clerk, a town collector, a town treasurer, a town attorney, an assessor, a recorder, a board of commissioners of appeal, consisting of one member from each ward, an overseer of the poor, one or more town surveyors, one or more poundkeepers, a board of education, consisting of three members from each ward, three commissioners of assessment, a chief of police and a chief engineer of the fire department, three constables in each ward and such number of justices of the peace as the town may be entitled to under the constitution and laws of this state, and for the purpose of electing justices of the peace, each town shall be considered a township, and in counties in which chosen

freeholders are elected by townships and wards each ward of the town shall elect one chosen freeholder.

Town officials—how elected or appointed.

10. *And be it enacted*, That the councilmen from each ward and the councilman-at-large, town clerk, town collector, assessor, constables and members of the board of education shall be elected at an annual town election; the town treasurer, town attorney, recorder, commissioners of appeal, overseer of the poor, chief of police, town surveyors, and the commissioners of assessment and poundkeepers shall be appointed by the council in the manner and for the terms hereinafter provided; the chief of the fire department shall be elected in the manner and for the term hereinafter provided, by the active members of the fire department; the term of office of any officer elected or appointed, not herein otherwise provided for, may be fixed by the council by ordinance; the council may in like manner appoint such other subordinate officers as may be deemed necessary, and fix their terms of office and compensation and define their duties.

Council shall fix terms of offices.

Other officers may be appointed.

When election shall be held and how conducted.

11. *And be it enacted*, That the annual town election shall be held on the second Tuesday in April in each year, between the hours of seven o'clock in the morning and seven o'clock in the afternoon, at the place or places in each ward designated by the council, in the same manner and under the same regulations in all things as is prescribed by law for election of members of the general assembly of this state; notice of the time and place or places of such election and of the officers to be chosen shall be given by the town clerk at least two weeks before the day of election, by publication in the official newspapers of the town, and if there be none, by publication in at least one newspaper published in the county in which the town is situated and generally circulating in the town; no person shall be permitted to vote at any such election unless he is an actual resident of the election district in which he offers his vote; immediately after the polls shall be closed at any such election the election officers of each election district shall count the votes given for the several candidates, and certify under their hands the number given for each, and publicly announce the same; and within

Clerk shall advertise it.

Qualification of voters.

Result shall be certified and filed.

twenty-four hours thereafter they shall immediately deliver one such statement to the judge or inspector, who shall be delegated to attend the meeting of the board of town canvassers, and one to the town clerk and one to the county clerk, to be by them filed in their respective offices.

A plurality shall elect.

12. *And be it enacted*, That the person or persons receiving the greatest number of votes of those given in the town for any town office and of those given in each ward, respectively, for any office in or from the ward, shall be declared to be elected.

Board of canvassers—how composed and proceedings conducted.

13. *And be it enacted*, That the board of town canvassers shall consist of one judge or inspector of election from each election district in the town, who shall be appointed for that purpose by the other election officers (excluding the clerk) of such district, a majority of the board shall constitute a quorum, and the town clerk shall be clerk of said board; the board shall meet on the Friday next after such election, at three o'clock in the afternoon, at the town hall, and shall choose one of their number to be chairman thereof; if the town clerk shall fail to attend, the board may appoint one of their own number to be clerk thereof; thereupon the members of the board shall produce the statements which shall have been delivered to them as aforesaid, and lay the same before the board, and from such statement the board shall proceed to ascertain the votes given at such election for the several officers voted for thereat; *provided, however*, that if for any reason, any member of such board shall fail to produce such statement, that then, on the request of the board, the town clerk shall produce and lay before the board the statement filed with him, and the same may be used with the like effect as if it had been produced by the member so failing to deliver his statement.

Proviso.

Board shall declare result and certify and file statement, etc.

14. *And be it enacted*, That the said board of canvassers shall make a written statement of the number of votes given for the several officers to be elected for said town and the several wards thereof, the names of the persons for whom such votes were given and the number of votes given for each; that upon such statement said board shall proceed to determine and declare

what person or persons have received the greatest number of votes for each of the officers mentioned in such statement; the statement and final declarations of the board shall be certified to by the presiding officer and clerk, and shall be filed with the town clerk and be by him recorded in a book to be kept for that purpose; and within two days after such canvass of the votes, the town clerk shall deliver to every person elected to any town or ward office a certificate thereof, under the seal of the town.

Clerk shall record statement.

15. *And be it enacted*, That if at any such election there shall be a failure to fill any office, except that of councilman or member of the board of education, by reason of two or more persons having received an equal number of votes therefor, the town council then in office shall by ballot elect one of the persons so receiving an equal number of votes to fill such office until the next town election, when the unexpired portion of the term (if any) shall be filled by the electors of the town; and if there shall be a failure for like cause to fill the office of councilman or member of the board of education, a new election for such officer or officers shall be immediately ordered by the town council.

In cases of tie vote council shall elect.

In case of failure new election shall be ordered.

16. *And be it enacted*, That except as herein otherwise provided, at the first town election held under this act one member of the council from each ward shall be elected for one year, and one member for two years; and one member of the board of education shall be elected for one year, and one member for two years, and one member for three years; and the electors voting at such election shall designate on their ballots the terms for which the several candidates for said offices shall be elected; and thereafter, annually, a member of the council shall be chosen from each ward for two years, and a member of the board of education for three years.

Terms for which councilmen shall be elected.

17. *And be it enacted*, That no person shall be eligible to any office under this act unless he shall have resided in the town for the period of at least one year, and no person shall be eligible to any ward office unless he shall be an actual resident of the ward; and no person shall be eligible to any office unless he is a citizen of the United States; *provided*, *however*, that the town

Qualifications of officers.

Proviso.

attorney and the town surveyors need not be residents of the town; and when any person except town attorney and town surveyors, elected or appointed to any town or ward office, shall remove from the town or ward his office shall thereby become vacant.

Council may fill vacancies.

18. *And be it enacted*, That in case a vacancy occurs by reason of the death, resignation, inability, disqualification, removal or refusal to serve of or by any town or ward officer, elected as aforesaid, it shall be lawful for the town council to fill such vacancy by the appointment of a suitable and qualified elector to hold until his successor shall have been duly elected and qualified, and the unexpired portion of the term (if any remain) shall be filled at the town election to be held next after such appointment; *provided*, *however*, that in case any such vacancy shall occur in the board of education, said board of education may fill such vacancy by appointment until the next town election, when the vacancy shall be filled by the electors of the town; *provided*, that if at any town election there shall be a vacancy in any office to be filled and at the same time an election for a full term of such office, the term for which each person shall be voted for shall be designated on each ballot cast therefor.

Proviso.

Proviso.

19. *And be it enacted*, That in case any such vacancy as aforesaid shall occur in any office which is filled by appointment or election by the town council, the said town council shall have power to fill such vacancy by the appointment of a suitable person to hold for the unexpired portion of the term of such office.

Officers shall make and file oath.

20. *And be it enacted*, That every person elected or appointed under this act to any office, shall, within ten days after such election or appointment, take and subscribe before an officer qualified to administer oaths, an oath or affirmation, faithfully and impartially to execute the duties of his office according to the best of his ability and understanding, which oath or affirmation shall be filed in the town clerk's office, and if any person so elected or appointed shall fail so to qualify, then his office shall be deemed vacant, and may be filled in the manner hereinbefore provided.

Failure to qualify shall vacate the office.

21. *And be it enacted*, That the town clerk, town

treasurer, town collector and such other officers as the town council may require, before they enter on the duties of their office and within such time as the board of council may by ordinance prescribe, shall give bonds to the town in its corporate name in such sums and with such sureties as the board of council shall require and approve for the faithful performance of their duties, which bonds, when so given, shall bind the obligors therein named until the successors to the officers giving the same shall be actually inducted into office, and if any officer shall fail or neglect to give bonds in the sum or with the sureties or within the time required by such ordinance, the council may declare such office vacant, and such vacancy shall be filled in the manner hereinbefore provided.

Certain officers shall give bonds.

Failing to do so, office may be declared vacant.

22. *And be it enacted*, That the official terms of the several officers who shall be elected under this act shall commence on the first day of May next succeeding their election; and the term of any officer who shall be appointed by virtue of this act shall commence on the first day of June next succeeding his appointment, except in cases otherwise provided for in this act, and every officer shall hold his office during his official term and until his successor shall have been duly elected or appointed and shall have duly qualified.

Commencement of official terms.

23. *And be it enacted*, That it shall be the duty of every officer in said town, within ten days after the expiration of his term of office or his removal therefrom, to deliver to his successor in office, or to such person as the town council may appoint, all books, records, papers, vouchers and property of every kind in his possession or under his control, belonging to said town or appertaining to such office.

Retiring officers shall surrender books, records, etc.

24. *And be it enacted*, That no officer of the town elected or appointed under this act, shall hold any other office of profit or trust under this act, and any such officer who shall accept any other office under this act, shall be deemed to thereby vacate the office to which he was first elected or appointed.

Holding of more than one office prohibited.

25. *And be it enacted*, That the salaries and compensation to be paid to the town clerk, the town collector, the town treasurer, the town attorney, the re-

Council shall fix salaries and compensation.

corder, the assessor, the chief of police and the members of the police force, the chief of the fire department, the overseer of the poor, the town surveyors, poundkeepers, commissioners of appeal, commissioners of assessment and members of the town council, shall be fixed by ordinance of the town council; and the salary or compensation of any officer which has been fixed as aforesaid shall not be increased or diminished during his term of office, and all fees paid to any of said officers for any services required of him by this act, or by any ordinance or resolution of the town council, shall immediately after the receipt thereof be paid by such officer to the town treasurer for the use of the town, unless herein otherwise specially provided; *provided, however*, that such salaries shall not exceed the following sums per year, viz.: town clerk, one thousand dollars; members of the town council, five hundred dollars each; town collector, two thousand dollars; town treasurer, one thousand dollars; recorder, six hundred dollars; assessor, one thousand dollars.

Proviso.

Council shall prescribe duties of officers, and may remove them for cause.

26. *And be it enacted*, That all the officers of the town shall be governed by such general ordinances as the town council may from time to time adopt, not inconsistent with the provisions of this act and the laws of this state, and every officer may be removed from office for cause by a two-thirds vote of all the members of the council, but no such removal shall take place until the person sought to be removed shall have had an opportunity of being heard in his own defense; but the provisions of this section shall not apply to any member or officer of the board of education.

Term and duties of town clerk.

27. *And be it enacted*, That the town clerk shall hold office for the term of two years, and shall, in addition to the duties required of him by this act or any other law of this state, have charge of all the records, books and documents of the town, except when the town council shall otherwise direct; he shall keep a record of the proceedings of the council, he shall engross all ordinances in a book to be provided for that purpose, which book shall be deemed a public record of such ordinances, and each ordinance shall be signed in said book by the chairman of the council and said clerk;

copies of all papers duly filed in the office of the town clerk and transcripts thereof and of the records and proceedings of the board of council and copies of the ordinances of said town, certified by the said clerk under the corporate seal of the town, shall be evidence in all courts and places; the town clerk shall pay over to the town treasurer, without delay, all moneys received by or paid to him for the use of the town; his office shall be at the town hall, and he shall keep the same open for the transaction of public business during such hours as the council shall by ordinance prescribe; it shall be lawful for him to charge and receive for his own use, at the rate of ten cents per folio, for copies of all official papers and records and for the return to any writ of certiorari made by him.

Term and duties of collector.

28. *And be it enacted*, That the town collector shall hold office for the term of two years, and it shall be his duty to receive and collect all moneys due to the town, whether for taxes, assessments, arrears of taxes or otherwise; the town council shall provide him with an office at the town hall, which he shall attend at such times as shall be designated by the council by ordinance; he shall enter, in suitable books to be provided for that purpose, by the council, any sums received by him for any purpose, and he shall specify in such entry the names of the persons by whom or on whose account the payments are made, the dates of payment and the purpose for which payment is made, and if any part of any payment is for interest or penalties, the amount thereof shall be separately stated; he shall at least once each week pay over all moneys collected by him for the town to the town treasurer, and shall take his receipt therefor; he shall furnish the council at least once in each week, and oftener, if required, a statement of all moneys received and collected by him since his last preceding report was made, and he shall perform all such other duties appertaining to the said office as the council shall by ordinance prescribe; he shall make a full report annually on the first day of April, to the council, of all moneys received and disbursed by him, and he shall, whenever required, lay before the council for examina-

tion and audit all books, papers and vouchers appertaining to his office.

Term and duties of treasurer.

29. *And be it enacted*, That the town treasurer shall hold office for two years; he shall receive, safely keep and disburse, under the direction of the council, all moneys belonging to or under the control of the town; he shall keep an accurate account of all receipts and payments in such manner as the council shall direct; no money shall be paid out of the treasury except on warrant signed by the chairman of the council and attested by the town clerk, excepting payments of state and county taxes, which the said treasurer is hereby required to make annually out of the first moneys received by him from the town collector and moneys paid into the town treasury for the redemption of property sold for taxes and assessments; and no warrant shall be drawn on the treasurer except in pursuance of an order or resolution of the council passed at a stated meeting and entered in their minutes; all such warrants shall be numbered and made payable to the order of the person entitled to receive the same, and shall specify for what purpose the amount therein mentioned is directed to be paid and the appropriation against which it is to be charged; it shall be the duty of the clerk before he delivers any warrant so drawn to enter into the margin of a book to be called "warrant book," opposite to said warrant, the number, date, amount of the same, the appropriation to which it is charged, the date of the resolution or order authorizing it to be drawn, the purpose for which ordered and the name of the person or persons to whose order it is made payable, and to take his or their receipt in said book at the end of said marginal entry for said warrant; *provided, however*, that nothing in this section contained shall apply to the disbursement and payment of moneys raised or received for public school purposes.

Proviso.

Treasurer shall receive and disburse school moneys.

30. *And be it enacted*, That the town treasurer shall receive, safely keep and disburse all moneys raised and received for public school purposes; he shall keep separate accounts thereof and pay the same out only on warrant signed by the chairman and clerk of the board of education, and no warrant for any such purpose shall

be drawn on the treasurer except in pursuance of an order or resolution passed at a stated meeting and entered in their minutes, and the provisions of the last preceding section of this act relative to warrants on the treasurer by the town council shall apply to the warrants of the board of education; and the said treasurer shall do and perform all acts and duties enjoined upon township collectors by the school laws of the state.

Treasurer shall furnish monthly statement, and annual report.

31. *And be it enacted*, That the treasurer, at least once every month, and oftener if required, shall furnish the council with a statement of all moneys received and expended by him (including school moneys) since his last report, and he shall annually, on the first day of April, make to the council a full report of all his receipts and expenditures, and he shall, whenever required, lay before the council, for examination and audit, all books, papers and vouchers appertaining to his office.

Term and duties of recorder.

32. *And be it enacted*, That the recorder shall hold office for two years, and shall have jurisdiction and is hereby empowered, on oath, affirmation or affidavit made according to law, that any person or persons has or have been guilty of a violation of any of the ordinances of the town, to issue process either in the nature of a summons or warrant as to him may seem most advisable, against the person or persons so violating such ordinance, which process shall, when of the nature of a warrant, be returnable forthwith, and when in the nature of a summons be returnable in not less than three or more than five days; that such process shall state what ordinance the defendant or defendants named therein has or have violated, and in what manner the same has been violated, and then on return of such process, or at the time to which the recorder shall have adjourned the same, the said recorder shall proceed to hear testimony and to determine and give judgment in the matter without the filing of any pleadings, and the recorder shall, if judgment be rendered for the plaintiffs forthwith issue execution againt the goods and chattels and against the body of the defendant or defendants; and the said recorder shall be further empowered to inflict fines not exceeding the sum of twenty dollars on

such persons as shall be convicted before him of vagrancy, disorderly conduct, breach of the peace, or, in his discretion, to order such persons to be committed to the county jail or workhouse for any period not exceeding thirty days; *provided*, that in all cases when the fine or penalty shall exceed ten dollars or where the punishment shall be imprisonment, there may be a trial by jury, to be conducted as in cases now triable in courts for the trial of small causes; the recorder shall also have power to cause any person or persons who shall be found guilty of a violation of the ordinances of the town, and who may refuse or neglect to pay any penalty imposed, to be committed to the county jail for any period not exceeding thirty days; and the recorder shall be present at the station-house or other place provided for him by the town council, at such hours every day as the council shall designate; and the recorder shall have the same powers in criminal matters within the territorial limits of the town as are possessed and exercised by justices of the peace of this state.

Councilmen shall have power to make arrests.

33. *And be it enacted*, That any member of the council, during his term of office, and any policeman of said town, shall have the power, on witnessing any breach of the peace or any violation of a town ordinance, to forthwith arrest and take into custody, without warrant, the offender or offenders, and to take said offender or offenders before the recorder of the town for a hearing.

Proceedings in cases of appeal from judgment for violation of ordinances.

34. *And be it enacted*, That every conviction for violating a town ordinance had before the recorder, either with or without a jury trial, may be reviewed by appeal to the court of common pleas of the county in the same manner and upon the same terms as appeals are or may be taken from courts for the trial of small causes, and in case the judgment appealed from shall be imprisonment the said recorder or any judge of the court of common pleas may admit to bail the party appealing during the pendency of his appeal; but no judgment for the violation of any ordinance shall be reversed for any imperfection, omission, defect in or lack of form, nor for any error except such as shall or may have prejudiced the defendant in maintaining his defense upon the merits.

Officers who may serve process and how return shall be made.

35. *And be it enacted*, That the officers empowered to serve process issued by the recorder shall be, besides the constables elected or appointed within the town, the policemen of the town, and that said process shall be returned in the same manner, so far as circumstances may permit, as warrants in courts for the trial of small causes are returned, and the defendant or defendants named therein shall, if the recorder sees fit to adjourn the hearing of the charge made and so orders, enter into recognizance, as near as may be, in the manner directed in the courts for the trial of small causes, in the amount of the penalty named in the process or in any proceedings brought for the recovery of the same, with such surety as may be approved by the recorder, unto the town, by its corporate name, for his or their appearance on the day to which said hearing may be adjourned, and in default of such appearance the said recognizance may be prosecuted and collected in the same manner as the same might have been if the said recognizance had been taken in a proceeding in courts for the trial of small causes.

Hearing may be adjourned and bail accepted.

Terms and duties of other officers.

36. *And be it enacted*, That the councilman-at-large, assessor and overseer of the poor shall each hold office for the term of two years, and the said assessor and overseer shall perform all the duties required of such officers by law in the several townships of this state and the ordinances of the town.

Town attorney.

37. *And be it enacted*, That the town attorney shall be appointed by the council; he shall hold his office for the term of one year, and shall perform such duties as the council shall by ordinance prescribe.

Town surveyors

38. *And be it enacted*, That the town surveyors shall be designated from time to time by the council, and they shall give bonds in such penalty and upon such condition, and shall receive such compensation for the service they may render as the council shall by ordinance prescribe.

Poundkeepers.

39. *And be it enacted*, That the poundkeepers shall be appointed by the council, and shall hold their office for such term, and shall perform such duties in addition to the duties imposed upon them by any law of this state, as the council may by ordinance prescribe.

Commissioners of appeals.

40. *And be it enacted*, That the members of the board of commissioners of appeals shall be appointed by the council and shall hold office for three years; they shall perform such duties as are now, or hereafter may be by law enjoined upon commissioners of appeals in cases of taxation; and at the time of the first appointment of such board under this act, the term of office of each member shall be designated by the council; and thereafter all appointments to said board, except to fill vacancies, shall be for the term of three years.

Chief of fire department.

41. *And be it enacted*, That the chief of the fire department shall be elected annually on the first Monday in May in each year, and shall hold his office for one year from the first day of June next ensuing his election; the active firemen of the department shall alone be qualified to vote at such election; the election shall be held and conducted under such rules and regulations as the council shall by ordinance prescribe.

How council shall be organized.

42. *And be it enacted*, That the town council shall meet annually for organization on the first day of May unless that day should happen to be on Sunday, in which case they shall meet on the day preceding; the councilman-at-large shall be the chairman and shall preside at all meetings of the council; in his absence the council may elect one of their number as chairman for the time being; they shall appoint the times of meeting, determine and establish the rules of their own proceedings, and pass ordinances, by-laws and resolutions pertaining to the purposes and objects of the corporation and necessary and proper for carrying out the provisions of this act.

Shall publish annual statement.

43. *And be it enacted*, That the council shall, on the first day of April in each year, cause to be printed a full statement of all receipts and expenditures of every description for the year preceding, with all such further information as may be necessary for a full understanding of the financial concerns of the town, and that it shall be the duty of the town clerk to distribute such printed statements among the people of the town or to furnish a copy of such statement to every citizen applying for the same.

Quorum.

44. *And be it enacted*, That a majority of the council

shall be a quorum for the transaction of business, but a smaller number may meet and adjourn from day to day; the council shall hold stated meetings at least twice in each month at the town hall, at such times as they may appoint, but the chairman or any two councilmen may call special meetings by written notice to each of the members, served personally or left at his usual place of abode at least twenty-four hours previous to the time appointed for such meeting, but no business other than that specified in the call shall be transacted at such special meeting, and no business by this act required to be done at a stated meeting of the council shall be done or performed at any such special meeting.

Stated meetings.

Special meetings.

45. *And be it enacted*, That all contracts in which any councilman shall be interested, either directly or indirectly, or in which any councilman may be surety for the faithful performance thereof, shall be null and void, and no member of the council shall become security for any public officer elected or appointed under this act.

Councilmen shall not be interested in contracts or become surety for any officer.

46. *And be it enacted*, That no ordinance or by-law shall be passed by the town council, unless the same shall have been introduced at a previous stated meeting, and shall be agreed to by a majority of the members of the council; and no ordinance shall take effect until five days after it shall have been published in the official newspapers of the town, and if there be none, in at least one newspaper published in the county and circulating in the town; *provided*, *however*, that no ordinance for opening, grading, flagging, curbing, paving or macadamizing any street, avenue or public place, or for the construction of any sewer, or for any street improvement, shall be passed or adopted unless it shall receive the votes of two-thirds of the members of the council.

Rule for passing ordinances.

Ordinances shall be advertised.

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47. *And be it enacted*, That the council may, by the title, "the council of the town of———, in the county of———," pass, adopt, alter, modify and repeal ordinances to take effect within the town for the following purposes:

Purposes for which ordinances may be passed.

To manage, regulate, protect and control the finances and property of the town; to make and adopt an assess-

ment map or maps whereby to describe lands assessed for taxes or improvements; to ascertain and establish the boundaries of all streets, highways, public lanes and alleys in the town; to regulate, clean and keep in repair the streets, highways, lanes and alleys in the town, and to prevent and remove all encroachments, obstructions and incumbrances in and upon all streets, highways, lanes, and alleys, sewers, drains and water courses; to prescribe the manner in which corporations or individuals shall exercise any privilege granted to them in the use of any street, highway or alley or in digging up any street, highway or alley for any purpose whatsoever; to direct and regulate the planting, rearing, trimming and preserving of ornamental shade trees in the streets, parks and public places of the town, and to authorize or prohibit the removal or destruction of such shade trees, to name and number the streets, houses and lots in the town; to provide for and enforce the removal of snow and ice from the sidewalks and gutters of streets, by the owners of land fronting thereon, and to provide that in case of neglect or refusal of or by the owner of any lot of land fronting on a public street or highway to remove snow or ice from the sidewalks and gutters in front of his lands, that the council may cause the same to be done at the expense of such owner, and that the cost and expense thereof, with interest thereon, shall be added to and shall form part of the taxes next to be levied and assessed upon such lands, and shall be and remain a lien upon such lands until paid; to regulate the use of streets, highways and public places by individuals, vehicles, railways and engines of every kind; to prevent and punish horse-racing and immoderate driving or riding in any street, and to regulate the speed and running of locomotives, engines and railroad cars through the town; to regulate and control the passage through the streets and public places of buildings and other large structures; to prevent animals of all kinds from running at large in the streets or public places of the town, and for the impounding, sale or destruction of the same, and to regulate and prevent the driving of cattle or other animals in droves in or through any of

the streets of the town; to prevent and prohibit any practice having a tendency to frighten animals or persons passing in the streets of the town; to regulate or prohibit all public performances and exhibitions for money; to prevent and suppress vice and immorality; to restrain or punish tramps, vagrants, mendicants and street beggars; to preserve the public peace; to prevent and quell riots, disturbances and disorderly assemblages; to restrain and suppress disorderly and gaming-houses and houses of ill-fame; to establish and regulate one or more public pounds, and to provide for the sale of animals impounded, and to fix the fees to be paid persons impounding animals, and the redemption fees to be paid; to regulate and prevent and to provide for the destruction of dogs running at large; to regulate or prohibit swimming or bathing in the waters of or bounding the town; to regulate the removal or destruction of buildings that are liable to fall, or buildings that are dangerous to life; to regulate or prohibit the carrying on of manufactures dangerous in causing or promoting fire; to regulate or prohibit the manufacture, sale, keeping, storage or use of fireworks, gunpowder, camphene, kerosene, burning fluid, nitro-glycerine, dynamite or other inflammable or explosive materials; to raze and and demolish any building or erection when necessary to prevent the extension of a conflagration, and to provide for the ascertainment and payment of just damages and compensation to owners of property destroyed in such cases; to regulate or prohibit the use of firearms and the carrying of weapons of any kind; to erect, provide, repair and control a town hall, police and station-houses, fire engines and such other buildings as may be necessary; to regulate, license or prohibit inns, taverns and restaurants, and the sale or transfer of spirituous, vinous, malt or other strong or intoxicating liquors; *provided, however*, that no such license shall be granted to any person who is not a citizen of the United States; and to fix and prescribe the terms and conditions upon which licenses for such purposes shall be granted, and to provide for the revoking and annulling of licenses for violations of such conditions; *provided, however*, that all such conditions shall be printed

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on the licenses; *and provided, further*, that no license shall be granted unless the applicant shall first pay to the town clerk such license fee as may be required by any general law of this state, and if there be no general law, such fee, not less than fifty dollars, as may be fixed by ordinance; and if the application is rejected, the deposit shall be returned; to provide that the penalty for a second conviction within six months of a violation of any such ordinance shall be a fine not exceeding one hundred dollars or imprisonment in the county jail not exceeding three months; to license and regulate cartmen, porters, hack, cab, omnibus, stage and truck owners and drivers, carriages and vehicles used for the transportation of passengers and merchandise, goods or articles of any kind, and to require the owners to mark vehicles in such manner as the council shall designate; and to license and regulate auctioneers, common criers, pawnbrokers, junk-shop keepers, sweeps and scavangers, and to prohibit unlicensed persons from acting in such capacities; to license and regulate peddlers, hawkers and hucksters, and to require the payment of a license fee of not exceeding five dollars in all cases, except as herein otherwise provided; and no license granted for any of the aforesaid purposes by any other authority shall be valid, except license granted by the governor to hawkers and peddlers; to fix the penalty where the same is not fixed or provided for by this act for the violation of any ordinance by this act authorized to be passed, which penalty shall be a fine not exceeding twenty dollars, and in case of non-payment thereof, imprisonment in the county jail not exceeding thirty days; to provide for, establish, regulate and control a fire department and to establish rules for the government thereof (whose members shall be exempt from military duty in time of peace, and from serving as jurors in courts, for the trial of small causes), and to provide engines and other fire apparatus, and to designate the manner of appointing and removing members of the fire department; to provide for the government of the fire department and the care and repair of the engines and other fire apparatus, and for the purchas-

ing of necessary supplies by a board of fire commissioners, consisting of five members, to be appointed by the council, who shall hold office for one year and who shall receive no salary; and to further provide for the payment of the lawful debts contracted or incurred by such commissioners.

May regulate street railways.

48. *And be it enacted*, That the council shall have power by ordinance to regulate the use of the streets of the town by street railway companies; to require such companies to lay and confine their tracks according to such grades of the street as may from time to time be established by the council; to keep that portion of the street lying between the rails paved and in good repair, also to keep the street to the extent of eighteen inches beyond the rails in good repair and on a level with the rails; to keep their tracks free from snow and ice and compel the removal of the same from the streets; and to provide a penalty not exceeding fifty dollars for every violation of such ordinance.

May regulate use of street by owners in adjoining municipality.

49. *And be it enacted*, That in case the boundary line between any town formed under this act and any other municipality shall be one of the extreme lines of a street or road, such street or road being wholly within such town, it shall be lawful for the council of such town to pass ordinances regulating the use of such street or road by the owners or occupants of property in such other municipality adjoining such street or road, and to provide penalties for the violation of such ordinance not exceeding ten dollars fine; and it shall be lawful for any constable or policeman of such town to execute any process issued by the recorder for the violation of any such ordinance within the territorial limits of such other adjoining municipality.

May establish and regulate police force.

50. *And be it enacted*, That the council shall have power by ordinance to provide for, establish, regulate and control a day and night police, and to regulate and define the manner of their appointment and removal, their duties and compensation; *provided*, that such police force (excluding officers) shall not exceed more than one policeman to every eight hundred inhabitants; *and provided, further*, that no policeman or police of-

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ficer shall be removed except for neglect of duty, misbehavior, incompetency or inability to serve.

May provide for the preservation of the public peace.

51. *And be it enacted*, That the council shall have full power to enact and pass such and so many other ordinances or by-laws for the peace, good government, order, welfare and convenience of the town as they may deem necessary, proper and expedient, not repugnant to this act or to the constitution of this state or of the United States.

Power to pass other ordinances.

52. *And be it enacted*, That the council shall have power to pass ordinances appropriating and providing for raising by taxation moneys for the following purposes:

I. For lighting the streets of the town;

II. For the support of the police department;

III. For the maintenance of the fire department;

IV. For regulating, cleaning and keeping in repair streets and highways;

V. For repairs to public highways;

VI. For the relief of the poor;

VII. For water for the extinguishment of fires;

VIII. For the payment of interest upon the debt of the town and such part of the principal as shall from time to time become due and payable;

IX. For the sinking fund required to be raised;

X. For the general and incidental expenses of the town, including the printing and publication of minutes of council, ordinances and such other matters required by law to be published;

XI. For the support of public schools; and no appropriation shall be made or ordered for any other purpose, except by a majority of the voters of the town voting at an annual town election.

May provide for lighting streets.

53. *And be it enacted*, That the council shall have power to provide for the lighting of the streets, avenues and public places of the town, in such places as they in their judgment may deem necessary.

For a water supply.

54. *And be it enacted*, That the council shall have power to provide for a supply of pure and wholesome water to the inhabitants, and for extinguishing fires, by contract, either with private corporations or with ad-

joining municipalities owning or controlling water works; and the council shall have power to fix and determine the terms and conditions upon which private companies may lay their mains or pipes in the streets of the town.

Designate an official newspaper.

55. *And be it enacted*, That the council shall have power to designate an official newspaper in which all advertisements and notices required by law to be published shall be published.

Borrow money in anticipation of taxes.

56. *And be it enacted*, That the council shall have power to borrow money temporarily, in the name of the town, in anticipation of appropriated revenues not exceeding in amount one-half of such anticipated revenues.

Order elections to fill vacancies.

57. *And be it enacted*, That the council shall have power at any time to direct a special election to fill any vacancy that may occur in their own body.

Require owners to keep sidewalks, etc., in repair.

58. *And be it enacted*, That the council may require the owners or occupants of any parcel of land fronting on any improved street to keep the sidewalks, flagging, curbs and gutters in front of such land in good repair, and if in any case, after reasonable notice, such repairs be not done by such owner or occupant, the council may have the same done, and the expense thereof, with interest and costs, may be recovered by the council by suit in the name of the town against such owner as for so much money due for labor performed and material furnished by said town for such owner or occupant, at his request, or may be assessed as a tax on such lot, and shall be a lien thereon, and be collected as other taxes are collected.

Appoint commissioners of assessments.

59. *And be it enacted*, That the town council shall appoint three discreet persons, residents and freeholders of the town, to be commissioners of assessment, and who shall hold their offices for three years, except as hereinafter provided; the said commissioners shall make all assessments for improvements of every kind under this act; *provided*, that if any of the said commissioners shall be interested in the matter of any such assessments, the council shall appoint some discreet and impartial freeholder or freeholders, resident in said town, to act in regard to such assessment in lieu of the com-

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missioner or commissioners interested therein as aforesaid; and every report of assessments made by commissioners of assessment shall be accompanied by the oath or affirmation of each commissioner making the same that he is not interested, directly or indirectly, in the matter of the assessment, and that he has performed his duties in relation thereto honestly, faithfully and impartially, to the best of his ability, skill and understanding, which oath or affirmation the clerk of said town is hereby authorized to administer; and the first commissioners appointed under this act shall determine among themselves by lot which of them shall serve for one, two and three years respectively, and thereafter annually one commissioner shall be be appointed to serve for the full term of three years.

60. *And be it enacted*, That the council shall have power and they are hereby authorized by ordinance—

Lay out and open streets.

To lay out, open, straighten, widen and extend any street, avenue or highway, or any part or section thereof, and to take and appropriate for such purpose any necessary lands and real estate upon making compensation to the owners thereof as hereinafter provided; to

Provide sewerage and drainage.

provide for grading and altering the grade of streets and avenues in the town, and filling, macadamizing, guttering, curbing, bridging, planking, graveling, paving and repairing the same; to make and adopt a general plan of sewerage and drainage for such town or any section thereof, conformably to which all sewers, drains, receiving basins and all other appurtenances of public drainage shall be made; to provide for the building and constructing of public sewers and drains, and for taking land and real estate for building the same and for acquiring an outlet for sewers over and through

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lands in adjoining municipalities; *provided*, that the consent of such adjoining municipality and of such other municipality (if any) as may in any manner be affected by such outlet shall be to that end first obtained;

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provided, however, that no ordinance for any of such purposes shall be passed except in the manner hereinafter stated and unless it shall receive the votes

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of two-thirds of the members of the council; *and provided further*, that any such ordinance may be intro-

duced and passed at the same stated meeting of the council.

Proceedings in cases of laying out and improving streets.

61. *And be it enacted*, That streets or sections of streets shall be laid out, opened, straightened, extended, widened or otherwise changed as to their boundaries, in the following manner and not otherwise: a petition, in writing, signed by the owners of one-sixth of the property fronting on the improvement desired, shall be presented to the council, setting forth accurately the improvement desired, together with a deposit of such sum of money as the council shall direct, towards meeting the expense in case such improvement shall not be ordered, which sum, if the improvement shall finally be determined to be made, shall be returned to the petitioner or petitioners; and if such improvement shall not be determined to be made, said sum, less any expenses that may have been incurred, shall be returned as aforesaid; if the council shall favor the petition the same shall be referred to the commissioners of assessment and a town surveyor not interested in such improvement, who shall thereupon make a map of such improvement, showing the real estate to be taken therefor, and all the property, which in the judgment of said commissioners will be specially benefitted thereby, designating each lot and parcel on said map by a letter or number; said commissioners shall also ascertain, so far as practicable, the name of the owners of said real estate to be taken and property to be benefitted, and the interest of each of the owners of real estate to be taken, and when such names or estates are not known they shall so report; they shall also appraise the value of the interest of each known owner of real estate to be taken, and the damage to be done to such owner by taking the same; and where the estates in any plot of land are unknown, they shall appraise the value of or the damage done to the fee simple; said commissioners shall also estimate all other expenses likely, in their judgment, to attend the completion of the improvement; said commissioners shall also estimate the amount likely to be realized from the sale of any buildings, or parts of buildings, required to be taken on account of said improvement, and shall so determine the probable net cost

Value of real estate taken shall be appraised.

Cost of improvement shall be estimated.

Cost of shall be assessed.

of making the improvement; this probable net cost they shall then assess upon the land to be specially benefitted, in proportion to the benefit to be received; thereupon they shall, under their hands, make a report of the facts ascertained and of the appraisements, estimates, determinations and assessments made by them concerning said improvement, and shall file such report and their map with the clerk of the town; thereupon the said clerk shall cause a notice of the filing of said map and report to be printed in the official newspaper of the town, or, if there be none, in a newspaper published in the county and circulating in the town, for the period of two weeks, which notice shall contain a general description of the improvement intended, of the land to be taken, and of the land to be assessed therefor, and shall state the time and place when and where the council will meet to hear and consider any objections to said report or to the improvement, which may be presented in writing; said clerk shall also, within said period, cause notices to the same effect to be posted at points not over three hundred feet apart along the whole line of said improvement, the time appointed for hearing such objections being not less than ten days after the expiration of said period of two weeks, and shall also, within the said period, serve a copy of such notice upon resident owners of real estate affected thereby, but the omission of the clerk to serve such notice shall not invalidate any of said proceedings; and all objections at such time and place, presented in writing, the council shall consider and adjudicate upon, and the awards or assessments made in said report may be corrected accordingly; a copy of which corrections, signed by the chairman of the council, shall be filed with the said clerk within twenty days after the expiration of said period of two weeks; if the said council shall then determine to make said improvement, notwithstanding any objections to the same, the said council shall confirm said awards, with the corrections, if any, and pass an ordinance ordering said improvement to be made and completed in such manner as said council may direct; under the supervision of said commis-

Report shall be advertised.

Form of notice.

Notice of meeting to hear objections shall be posted and served on owners.

sioners of assessments; *provided*, the said council shall not proceed to make any such improvement if the owners of the property subject to more than two-thirds of the assessment for the improvement shall remonstrate against the same being made; the said council shall also pass a resolution directing the several sums awarded to be paid to the persons to whom the awards are made for real estate taken and damages sustained in making said improvement, and upon the passage of such resolution the fee simple of said real estate to be taken shall be vested in the town ; *provided*, that where the commissioners shall have reported the name or estates of the owners of any plot as unknown, the said resolution shall direct the sum of the award on account of such plot to be paid to the owners thereof, when and as their interest may appear, and any such owner or person interested in said land may, by bill in chancery, according to the practice of that court, have the said sum distributed or in whole or in part paid over to him, as law and justice may require; after the completion of said improvement the said commissioners shall ascertain and determine the actual net cost thereof, and shall assess, as hereinafter provided, such actual net cost upon the lands specially benefited in proportion to the benefit received.

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62. *And be it enacted*, That whenever, by the report and map of the said commissioners, corrected as aforesaid, it shall appear that an award has been made to any person for property taken or damages sustained, and that such person is also assessed for benefits received on account of the same improvement, then if the assessment equal or exceed the award, no payment shall be made on account of such award; and if the award exceed the assessment, only so much of the award as is in excess shall be paid, and the resolution of the council ordering the awards to be paid shall be framed accordingly; and when the amount to be assessed shall be finally determined, such amount shall be set off against the amount of the award unpaid; and if the amount of the award unpaid be in excess, the assessment shall be canceled, and such excess only shall be paid to the person to whom the award is made; and if the amount of

Awards may be offset by benefits.

the assessment be in excess, the award unpaid shall be canceled, and such excess only shall be a lien upon the property assessed; the rest of the award or assessment, as the case may be, being also canceled.

Proceedings in cases of dissatisfaction.

63. *And be it enacted*, That whenever any person who shall have presented objections as aforesaid, to an award, shall be dissatisfied with the determination of the council, thereupon such person may commence an action on contract against the said town in the circuit court of the county, or in the supreme court of this state (provided, that the trial shall be had in the county in which such town is located), which action shall proceed in all things as if such town had, upon taking the real estate required for the said improvement, agreed in writing to pay therefor the value thereof and the damage done by taking the same; and if in said action the plaintiff shall recover more than the amount awarded as aforesaid, he shall recover his taxable costs according to law; and if he shall not recover more than the amount awarded, then the defendant shall recover his taxable costs against the plaintiff, and shall be entitled to have them deducted from the amount recovered by the plaintiff, and execution shall issue only for the balance, the assessment (if any) against the plaintiff being also deducted from the amount of the judgment; *provided, always*, that no such action shall be brought by any person who may have received payment of the amount awarded, nor unless notice that such action will be brought be filed with the clerk of said council within sixty days after the confirmation of the award, nor unless such action be commenced within six months after such confirmation; *provided, further*, that the judge of the said circuit court may, upon petition, for good cause shown, and upon such terms as he may direct, dispense with either or all of the provisions in the last proviso contained.

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Proceedings to cause streets to be improved.

64. *And be it enacted*, That any street or section of a street may be graded, flagged, macadamized, paved, curbed, guttered, or have a sidewalk of any material constructed thereon, or be otherwise improved, as hereinbefore provided, in the following manner,

namely, on the petition in writing to the council by the owners of one-sixth of the lands fronting on the street or section of street proposed [to be] improved, or upon like petition of ten freeholders, the council shall, by resolution, direct the town clerk to advertise such application or petition and the notice hereinafter provided for, for at least two weeks, one in each week successively, in the official paper of the town, or if there be none, in one or more newspapers published in the county and circulating in the town, and to post copies of the said petition and notice in five public places in the town, designated by the council, at least ten days prior to the time fixed for the hearing of objections to such improvement; the clerk shall also publish and post as aforesaid, with the petition, a notice signed by him, stating that objections in writing to said proposed improvement shall be filed with him and designating the time and place when and where the town council will meet to consider such objections, which time shall not be less than ten days after the date of the first publication of such petition and notice as aforesaid; and the said clerk shall also serve like notice on the owners of property residing along the street or section of street so proposed to be improved, at least five days before the time designated in said notice; *provided, however*, that no assessment shall be set aside or affected by reason of the failure of said clerk to serve such notice; and at or before the time named in such notice the said clerk shall file in his office affidavits showing that such petition and notice have been published and posted as herein required; at the time named in such notice the council shall proceed to consider such objections as shall have been presented, and if it appear that the owners of two-thirds of the land fronting on such proposed improvement have objected thereto, such improvement shall not be made, and all costs and expenses incurred in such proceedings shall be paid by the petitioners, to secure which the council shall in all cases require a deposit of fifty dollars before receiving any petition; and the council may, in its discretion, determine not to make such improvement, in which case the deposit

made by the petitioner or petitioners, less any expenses that may have been incurred, shall be returned to him or them; and the defeat of any ordinance for such improvements, introduced before the council, shall be conclusive as to the determination of the council not to make such improvement; at any time after the time named in said notice for objections, the council may proceed to pass an ordinance for such improvement, and such ordinance shall be valid if it describes in general language the improvement required to be made and done, and it shall not be necessary to state therein any other matter or thing connected with said improvement; the town clerk shall publish and post such ordinance in the same manner and for the same time he is required to publish and post the petition for the improvement described therein; and he shall file in his office an affidavit showing that such ordinance has been duly published and posted; at any time after the passage of such ordinance the council may require the clerk to advertise for proposals for doing the work of and furnishing the materials necessary for such improvement, in the official paper of the town and in such other newspapers as shall be designated by the council, which proposals shall be presented in such form and manner and under such regulations as the council shall prescribe; upon the coming in of such proposals the council may enter into contract with the lowest responsible bidders on the terms of their proposals; *provided, however*, that the council may reject all bids if they deem it for the interest of the town so to do, in which case they shall again advertise for proposals and shall proceed in all things as if no proposals had been offered; and the council shall require the person or persons so entering into contract with the town to give bonds with ample freehold security for the due performance thereof.

May advertise for proposals for work and material.

65. *And be it enacted*, That sewers may be built and constructed in any of the streets of the town under the control of the town authorities on the petition of owners of one-sixth of the lands adjoining the proposed route of the sewer; and the proceedings, after reciving such petition, shall be in all respects the same as are

Proceedings to cause sewers to be constructed.

hereinbefore set forth for flagging and grading of streets, and all the provisions of this act relating to flagging and grading of streets shall be applicable to proceedings for the construction of sewers, except as modified in and by this section.

Inspector may be appointed.

66. *And be it enacted*, That the council may appoint an inspector over the work and materials on any sewer or street improvement and may fix his compensation; the amount of such compensation shall be included in and form part of the cost of the improvement.

Meeting shall be held to consider objections to work and material.

67. *And be it enacted*, That before the council accept any work on any sewer or street improvement, or any final payment be made to the contractor, the council shall publish as aforesaid a notice stating when the council shall meet to receive and consider objections in writing to the work and materials done and used in such improvement, and if any such objections shall appear to be well founded, the council shall take such action thereon as in their judgment the interests of the town shall require.

Council may condemn property for construction of sewers.

68. *And be it enacted*, That where it shall be necessary in the construction of any public sewer to take or use private property for that purpose, the council shall have power to provide, in the ordinance for the building or constructing of any such sewer, for the taking of such private property as is necessary; for that purpose the damages and awards to be made for lands so taken shall be determined and made by the commissioners of assessment, who shall report the same to the council, and thereafter the proceedings shall be the same in all respects as are hereinbefore provided for opening of streets.

May contract for connection with sewers of adjoining municipality.

69. *And be it enacted*, That where any town shall be so situated that it shall have no immediate outlet for sewerage except through adjoining municipalities or by connections with sewers existing or contemplated to be built in adjoining municipalities, it shall be lawful for the town council of the town and the governing body of such adjoining municipality to enter into contract for the payment of a sum in gross by such town for the right to connect with any sewer or sewers in such ad-

joining municipality, and the amount of such contract price shall be included in the costs of making the sewer in and through such town which it is proposed so to connect with the sewer in the adjoining municipality, and shall be assessed in the manner hereinafter directed as if such contract price were a portion of the cost of wholly constructing the sewer within the territorial limits of the town.

And issue improvement certificates.

70. *And be it enacted*, That the council shall have power to issue improvement certificates, payable within one year or less with interest, to the amount of eighty per centum of the work done on any street, sewer or other public improvement when certified as correct by the engineer in charge of the work; and when the contract is fully completed and the work is accepted, the town council may issue a certificate for an additional fifteen per centum of said work done, and in not less than three nor more than six months after the date of the acceptance of the work may issue a final certificate for the balance due, unless some errors or defects in the work shall have appeared, in which case the certificate shall be withheld until the defect or errors are rectified to the satisfaction of the council.

Cost of improvements shall be ascertained and assessed.

71. *And be it enacted*, That the cost and expense of widening, opening or extending any street, and after the completion thereof the whole cost of any street, sewer or other public improvement, shall be ascertained and determined by the commissioners of assessment, and such cost and expense shall, so far as the same can be, be assessed upon the lands and real estate specially benefited by the improvement, in proportion to the benefit received; and no lot or parcel of land shall be assessed more than it is so specially benefited; and if the total cost of any improvement shall exceed the aggregate assessable special benefits, the excess shall be borne and paid by the town at large; the commissioners shall file their report with the town clerk, which shall be accompanied by a map showing what lots and parcels of land are specially benefited by the improvement, the amount assessed as special benefits upon each lot or parcel of land, and the names of the owners of the several lots and parcels of land assessed, so far as the commissioners

can ascertain the same, and the amount, if any, of the excess of the cost of the improvement over the aggregate assessable special benefits; but no assessment shall be deemed defective by reason of any mistake in the names of the owners of lands assessed, or omitting the said names or any of them; the clerk shall publish and post notices in the same way and manner hereinbefore prescribed for publishing and posting the petition for the improvement and its accompanying notice, stating that the map and report of the commissioners have been filed in his office, and that the council will consider any objections to such report, map and assessment presented in writing on or before a day named in such notice to be fixed by the town council, which day shall be at least ten days after the first publication of such notices; after considering such report, map and assessment, and such objections as may have been presented against the same, the said council may confirm the said report, map and assessment, or if deemed necessary may return the same to the commissioners for revision and correction, who shall return the same corrected and revised without unnecessary delay; and thereafter the council may, without further notice, confirm the said report, assessment and map.

Notice of filing of map and report shall be published and posted and objections shall be considered.

72. *And be it enacted*, That no certiorari, injunction or other writ or process shall be allowed or granted to set aside any ordinance for any improvement after the contract therefor shall have been awarded by the council of the town; and no certiorari, injunction or other writ or process shall be allowed or granted to set aside any assessment made for any sewer or street improvement of any kind after thirty days shall have elapsed from the date of the confirmation of such assessment by the council of such town.

Injunctions shall not be allowed after contract has been awarded.

73. *And be it enacted*, That the council shall have the power to issue bonds payable in not exceeding ten years, and bearing interest at not exceeding six per centum per annum, to raise moneys to pay for lands taken for opening or extending or widening streets, constructing roads or building sewers, or for the redemption of improvement certificates issued under this act, or to pay any judgment recovered against the town, and

Bonds may be issued.

the council may likewise issue bonds to run not exceeding ten years, and bearing interest at not exceeding six per centum per annum, as above, to renew such part of the bonded debt of the municipality of which the town is the successor which may become due and payable, and for the payment of which no provisions shall have been made.

Fiscal year.

74. *And be it enacted*, That the fiscal year of the town shall commence on the first day of May in each year.

Redemption monies—how appropriated.

75. *And be it enacted*, That all moneys received on redemption of lands from sales for unpaid taxes, and for or on account of arrears of taxes, shall be apportioned to and among the several appropriations for which such taxes were raised, except that the costs of sale and redemption fee shall be paid into the incidental fund, and all moneys received on redemptions of lands from sales for unpaid assessments shall be paid into the sinking fund, excepting costs of sales, which shall be returned to the incidental fund; all unexpended balances remaining at the close of any fiscal year shall be appropriated or transferred or otherwise disposed of as the council in its judgment shall deem proper.

Principal and interest of bonded debt—how raised.

76. *And be it enacted*, That there shall be annually raised by taxation a sum sufficient to pay all interest accruing on the bonded debt during the fiscal year, and also at least three and one-third per centum of the principal of such bonded debt, excluding therefrom bonds issued for street improvements, which shall be paid into the sinking fund.

License money—how to be appropriated.

77. *And be it enacted*, That all moneys received for licenses, and all other moneys received and not specifically appropriated, shall be paid into the incidental fund.

Interest on unpaid taxes.

78. *And be it enacted*, That all taxes and assessments in such town shall bear interest at the rate of seven per centum per annum from the time the same became due and payable.

Taxes shall remain a lien.

79. *And be it enacted*, That all taxes and all assessments heretofore or hereafter levied, assessed or made upon any lands, tenements or real estate, situate in such town, shall be and remain a lien thereon until paid, notwithstanding any devise, descent, alienation, mort-

gage or other encumbrance thereof; and if the full amount of any such tax or assessment shall not be paid and satisfied within such time as shall be limited and appointed by the council for the payment thereof, it shall and may be lawful for the council to cause such lands, tenements or real estate to be sold at public auction for the shortest term for which any person will agree to take the same and pay such tax or assessment, or the balance due thereof remaining unpaid, with the interest thereon, and all costs, charges and expenses, and to execute under the common seal of said town a declaration of such sale, to be signed by the chairman of the council and the town clerk, and to deliver the same to the purchaser, and such purchaser, his executors, administrators or assigns, shall, by virtue thereof, lawfully hold and enjoy the said lands, tenements or real estate for his and their own proper use against the owner or owners thereof, and all persons claiming under him or them, until said term shall be completed and ended; *provided*, the said council shall first have caused said sale to be advertised for at least two months in its official paper, or, if none, then at least in one public newspaper published in the county and circulating in such town, and also by advertisements put up in at least five public places in such town, which advertisement shall describe the said lands, tenements or real estate and specify the amount of assessment or tax; and the recitals in such declaration of sale shall be evidence of the assessment, advertising and sale; *and provided, also*, that the purchaser shall not be entitled to possession of lands so purchased until the period herein limited for redemption shall have expired; *and provided, also*, that the lands, tenements or real estate so sold may be redeemed by the owner, mortgagee, occupant or persons interested therein, or by any other persons, or in behalf of the owner, mortgagee or claimant of such lands, tenements or real estate, at any time within two years after the sale for either taxes or assessments, or for both, by paying to the treasurer of the town, for the use of said purchaser, the purchase money, together with any other sum paid for tax or assessment, which the said purchaser may have paid, chargeable on such

Real estate may be sold for taxes.

Proceedings in case thereof.

Proviso.

Proviso.

Proviso.

lands, tenements or real estate, and which he is hereby authorized to do, with interest thereon at the rate of fifteen per centum per annum, in addition thereto; and the certificate of the treasurer of the town, stating the payments, and showing what lands, tenements and real estate such payment is intended to redeem, shall be evidence of such redemption; any mortgagee shall have power to redeem at any time until the expiration of the six months' notice therein specified; no mortgagee whose mortgage shall have been duly recorded before sale for any tax or assessment shall be affected by such sale until six months' notice, in writing, shall have been given to him, either personally, or if not to be found in said town, then such notice shall be deposited in the post-office in said town, directed to him at his last known place of residence (or at the post-office nearest thereto), but nothing therein contained shall be so construed as to impair the lien created by such tax, assessment or sale; *and provided*, the same term of time for which any lands, tenements or real estate so sold as aforesaid shall not commence, nor shall said purchaser or those claiming under him have a right of possession to said lands, tenements or real estate until the two years limited for the redemption of the same shall have expired, and the said purchaser or those claiming under him shall, at the expiration of the time limited in such declaration of the sale, quit and surrender the said lands, tenements or real estate in as good state and condition as when he entered thereon, natural wear and accidents excepted; *provided also*, that the said sale may be adjourned or postponed from time to time, or suspended, as the council or their committee, appointed to attend the said sale, may direct; *and provided*, that if, at any sale of lands, tenements or real estate, for assessment or taxes, the whole or any part thereof shall remain unsold for want of purchasers, then it shall be lawful for the said counsel or said committee to adjourn the sale not less than thirty days nor more than sixty days, twenty days' notice at least, by publication for two weeks and posting, shall be given as aforesaid of the said adjourned sale; and if, at such adjourned sale, there shall be no purchasers for said

Proviso.

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Proviso.

lands, tenements or real estate, or for any part thereof, then it shall be lawful for the treasurer of the said town to purchase the said lands, tenements or real estate for any term not exceeding one hundred years for the benefit of the town, subject to the same redemption as hereinbefore provided for; *provided also*, that all moneys paid for the redemption of said lands, tenements or real estate as aforesaid, together with all taxes and assessments paid by any mortgagee or judgment creditor, shall be a lien upon said lands, tenements or real estate for the amount so paid, with interest at the rate of seven per centum per annum, and such lien shall have precedence over all other liens on said lands, tenements or real estate; *provided, further*, that a complete record of all taxes and assessments shall be kept in the town clerk's office, which record shall contain the time when such assessment and taxes were laid, the time when they were paid (and if the property has been sold therefor), the time of said sale and to whom sold, and if redeemed, when and by whom; it shall be the duty of the town clerk to enter in a book to be called "record of sales," a minute of all declarations of all sales, and to give certificates of search in relation to liens to any person or persons applying for the same, and to cancel such declarations when the property for which they were given shall be redeemed, on the certificate of the town treasurer of such redemption, and to file such certificate in the said clerk's office; it shall be the duty of the treasurer to make out two certificates of all property redeemed, one for the person redeeming and one to be filed in the said clerk's office; it shall be lawful for the council of said town to sell, assign and transfer any declaration of sale or any term in lands, purchased for the benefit of said town as aforesaid, or any portion of a term, for such price as said council may think proper.

Proviso.

Proviso.

80. *And be it enacted*, That the assessor shall levy a tax upon every person who owns or has the care of any dog, male or female, as follows: one dollar for each male dog, and three dollars for every female dog, in lieu of the state law, which tax shall be appropriated to the support of the school.

Dog tax.

Time when assessments shall be completed.

81. *And be it enacted*, That the assessor shall complete his assessment and present his books to the council for examination by the third Monday in September annually, and the council shall complete their examination of the same by the first Monday in October; immediately thereafter the collector shall give notice as required by section ten of the tax act, and within thirty days thereafter the collector shall make the demand and give the notice as required by section eleven of the tax act, and the day fixed by him for the payment thereof shall not be later than December twentieth.

Property of school districts shall become town property.

82. *And be it enacted*, That all the property, real and personal, of the several school districts existing within the limits of any town, borough or township, before its incorporation under the provisions of this act, shall, upon such incorporation, become and be the property of such incorporated town, and shall be held in its corporate name, and the several obligations, contracts and debts of said previously-existing school district shall be assumed by and shall become and be the obligations, contracts and debts of said incorporated town, and that the board of education shall possess and exercise all the powers and perform all the duties by law vested in or imposed upon the trustees of school districts; they shall organize annually by choosing a chairman and a clerk, and may establish schools and provide for their government, and shall keep all school property in good repair; they shall define and fix the duties and compensation of their clerk, who shall also perform all duties enjoined by law on district clerks; *provided*, that no property shall be bought or building erected by the said board unless a majority of the voters of the town voting at an annual town meeting shall have voted an appropriation for that purpose; in case any appropriation for the purchase of land and the erection of a school building shall be voted by the electors of the town at any town election, the council shall issue bonds in the corporate name of the town for the amount of such appropriation, in such denominations as they shall deem proper; such bonds shall be designated "school bonds," shall bear interest at not exceeding the rate of six per centum per annum,

Proviso.

Bonds may be issued to meet school appropriations.

and shall not be sold for less than their par value; they shall be made payable in such manner that, at the expiration of three years, three-fifteenths thereof shall become due and payable, and thereafter one-fifteenth thereof shall become due and payable annually; the council shall provide for raising by taxation annually the interest thereon and one-fifteenth of the principal thereof; the proceeds of the sale of said bonds shall be held by the town treasurer and shall be paid out by him on the warrants of the board of education; at any time after an appropriation is voted as aforesaid, the board of education may purchase the necessary land and enter into contract for the erection of a school building thereon, the title to which property shall be vested in the town by its corporate name.

Existing laws made applicable.

83. *And be it enacted*, That all general laws and statutes of this state heretofore passed relating to incorporated towns shall be and they are hereby made applicable to any town formed or created under this act, except in so far as the same may be inconsistent with or repugnant to the provisions of this act.

Unfinished street improvements shall be completed.

84. *And be it enacted*, That all proceedings for opening, widening, extending, grading, regulating and otherwise improving streets and avenues which may be pending and remain unfinished and incomplete at the time of incorporation under or adoption of this act by any town or township, shall be proceeded with and completed under the laws in force at the time such proceedings were commenced, and as if such town or township had not become incorporated under this act.

Governments under former acts hereby ratified and confirmed.

85. *And be it enacted*, That every town government heretofore established, formed under and in accordance with the provisions of the acts of the legislature of this state for the formation and government of towns, which has been in fact constituted, formed and organized substantially in the manner directed by this act, containing within its limits and jurisdiction the population herein required, whether the authority to form such government has been lawfully conferred or not, shall be deemed, held and taken to be a town government created under the provisions of this act; and each and every such government is hereby constituted and made

a town government, as fully to all intents and purposes as if the proceedings for the formation of the same had been instituted and the said governments had been formed and established under the provisions of this act; and each and every such town government is hereby perpetuated and continued, and authorized without reorganization or further proceeding to assume and exercise all the powers, privileges and franchises herein and hereby conferred upon town governments organized under the provisions of this act; and that all officers heretofore appointed, chosen or elected in any such town government, shall continue in office until the expiration of the term or terms for which they were originally appointed or elected, with all the powers, and subject to all the duties and responsibilities that are conferred or imposed upon like officers appointed, elected or chosen, or to be appointed, elected or chosen in governments formed and organized under the provisions of this act; and that all laws, ordinances, acts and proceedings of every such government heretofore passed, had, done and taken shall have the same force, validity and effect as if they had been passed, had, done and taken by governments formed and organized under and in pursuance of the authority of this act.

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

Approved March 7, 1895.

CHAPTER CXIV.

An Act to authorize policemen to serve writs and other process in certain cases.

Policemen may be empowered to serve processes.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in any of the cities of this state having but one constable elected according to law, the policemen appointed by the common council

of said cities shall have all the powers of constables for the purpose of serving any summons, warrant, venire or other process issued by any justice of the peace or police justice in said city, except in the court for the trial of small causes, and a return by such officer signed as policeman shall be as good and sufficient in law as though signed by any constable.

Repealer.

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

Approved March 11, 1895.

CHAPTER CXV.

A Supplement to an act entitled "A general act concerning taxes," approved March nineteenth, one thousand eight hundred and ninety-one.

Appeals shall be filed before a certain day.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all appeals to the state board of taxation shall be filed with said state board of taxation on or before the first day of April next following the assessment or levy of taxes appealed from.

Repealer.

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

Approved March 11, 1895.

CHAPTER CXVI.

A Supplement to an act entitled "A general act concerning taxes," approved March nineteenth, one thousand eight hundred and ninety-one.

Thirty days shall be allowed for payment of taxes reduced by state board.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in all cases where an appeal shall be made to the state board of taxation for the reduction of any assessment made by any assessor or taxing officer whose duty it is by law to make assessments for the purpose of taxation and a reduction of the assessments so appealed from, shall be made or ordered by the state board of taxation on such appeal; the party or corporation whose assessment has been so reduced by order of the said state board of taxation shall have thirty days from the date of the signing of the order by the state board of taxation reducing such assessment in which to pay the taxes so reduced or corrected, without any additional charge for interest or penalties on such amount adjusted or ordered by the said state board of taxation; and it shall be the duty of the collectors or persons whose duty it is by law to receive or collect the taxes in the various taxing districts of this state to receive and collect such amount of taxes so reduced by order of the state board of taxation, without any charge in addition for interest or penalties thereon.

No charge shall be made for interest or penalties.

Like course shall be pursued when assessments shall be increased.

2. *And be it enacted*, That in cases where the state board of taxation shall increase the assessment of any person or corporation, the person or corporation whose assessment has been increased by order of the state board of taxation shall have the like thirty days in which to pay the assessment so increased by order of the state board of taxation, without any additional charges for interest or penalties on such amount increased by the state board of taxation.

3. *And be it enacted*, That all acts, special or general, inconsistent with this act, are hereby repealed, and that this act shall take effect immediately. Repealer.

Approved March 11, 1895.

CHAPTER CXVII.

A Supplement to an act entitled "A general act concerning taxes," approved March nineteenth, one thousand eight hundred and ninety-one.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That every assessor or board of tax commissioners in every taxing district of this state, whose duty it is by law to make the assessments, whether the same be a township, borough, village, city or other municipality, shall on or before the first day of November next ensuing the making of assessments for taxes in each year, transmit in writing, under oath or affirmation, to the office of the state board of taxation, at Trenton, a statement copied from the duplicate or assessment books of such taxing district in which the assessments of property for taxation for that year are contained, the following facts: Copies of all assessments shall be forwarded to state board.

First. The total amount or value of real estate assessed by such assessor or tax commissioners in such taxing district for that year. Facts to be shown in statement.

Second. The total amount or value of personal property assessed by such assessor or tax commissioners in such taxing district for that year.

Third. The total amount or value of deductions for debts claimed and allowed, other than debts secured by mortgage, by such assessor or tax commissioners in such taxing district for that year.

Fourth. The total amount or value of exempt property assessed by such assessor or tax commissioners in such taxing district for that year, specifying particu-

larly and by separate items—(a) the total amount or value of church property, (b) the total amount or value of property used for charitable purposes, (c) the total amount or value of school property owned by the taxing district, (d) the total amount or value of other school property, (e) the total amount or value of public property located in such taxing district other than school property, (f) the total amount or value of cemetery property or property used for graveyards, (g) the total amount or value of the exemptions claimed and allowed by such assessors or tax commissioners under the firemen's, militia and veterans' acts, specifying the amount in each case, if any.

Penalty for failure to report.

2. *And be it enacted*, That a failure of any assessor or board of tax commissioners, whose duty it is by law to make the assessments for taxes, to transmit such statement to the state board of taxation as is directed and required by this act, such assessor or board of tax commissioners shall be liable to a penalty of fifty dollars, to be received by the state board of taxation in an action in any court of this state having jurisdiction of the same, such penalty to be used by the state board of taxation for procuring the facts required by this act, to be transmitted to the office of the state board of taxation.

Repealer.

3. *And be it enacted*, That all acts, special or general, inconsistent with this act, are hereby repealed, and that this act shall take effect immediately.

Approved March 11, 1895.

CHAPTER CXVIII.

An Act for the prevention of blindness in the state of New Jersey.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That should one

Persons having charge of infants shall report to local board of health.

or both eyes of an infant become inflamed, swollen or reddened, or show any unnatural discharge at any time within two weeks after its birth, and no legally-qualified practitioner of medicine be in attendance upon the infant at the time, it shall be the duty of the midwife, nurse, attendant or relative having charge of such infant to report the fact in writing, within six hours, to the local board of health of the city, township or other municipality in which the parents of the infant reside.

Local board shall cause infant to have proper medical attendance.

2. *And be it enacted*, That the said local board of health shall direct the parents or person having charge or such infant suffering from such inflammation, swelling, redness or unnatural discharge of the eyes to immediately place it in charge of a legally-qualified practitioner of medicine, or in charge of the physician of the city, township or other municipality if unable to pay for medical services.

Copies of this act shall be furnished to physicians, midwives and nurses.

3. *And be it enacted*, That every local board of health in the state of New Jersey shall furnish a copy of this act to every legally-qualified practitioner of medicine, and to each person who is known to act as a midwife or nurse, in the city, township, or other municipality for which such board of health is appointed; and the secretary of state shall cause a sufficient number of copies of this act to be printed, and to supply the same to such officers for distribution.

Secretary of state shall provide copies of this act.

Penalty for non-compliance.

4. *And be it enacted*, That any failure to comply with the provisions of this act shall be punished by a fine not to exceed two hundred dollars, or imprisonment not to exceed six months, or both, upon conviction under prosecution proceedings to be brought by any local board of health.

5. *And be it enacted*, That this act shall take effect and be in force on the first day of May, one thousand eight hundred and ninety-five.

Approved March 11, 1895.

CHAPTER CXIX.

An Act for extending the time for completing certain railroads.

When time may be extended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever the time limited for the completion of any railroad authorized to be constructed within this state under any special or general act has expired or shall expire before the thirty-first day of December, one thousand eight hundred and ninety-six, 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;

Proviso.

Proviso.

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.

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

Approved March 11, 1895.

CHAPTER CXX.

An Act to authorize grading, paving, curbing and repairing sidewalks in boroughs of this state incorporated under special charters, and to provide for the collection of the costs of the same.

Governing body may expend sum voted at an election as provided for.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever in any of the boroughs of this state, incorporated under special charters, sidewalks have been or shall be graded, paved, curbed or repaired, it shall be lawful for the governing body, when authorized by a majority of the votes cast at an election held for the purpose as herein provided, to expend such sum of money as may be authorized by such vote, not exceeding five per centum of the assessed value of the real estate of such borough as shown upon the county records the year when such authority is given or the year next preceding, for the purpose of paying the cost and expenses of grading, paving, curbing and repairing the sidewalks within such borough, either in whole or in part, in such manner as they may deem advisable, and to issue bonds therefor in the corporate name of such borough in the manner hereinafter provided.

And issue bonds for cost thereof.

When election may be held.

2. *And be it enacted*, That whenever in the judgment of the governing body of such borough it shall be deemed advisable to make any expenditure authorized by this act and to issue bonds therefor, the said governing body may order an election to determine whether bonds shall be issued to procure money for the payment of the cost and expenses of the proposed improvement, and shall designate the time and place for holding such

election and appoint judges and inspectors thereof; which election may be at the time and place fixed by law for the election of municipal officers, or may be a special election called for the purpose; *provided*, that when a special election shall have been ordered under the provisions of this act, six calendar months must elapse before any order for another such special election shall be issued; the polls shall be open at least from three o'clock until eight o'clock in the afternoon; notice of said election and of the amount of bonds proposed to be issued, which amount shall not exceed five per centum of the assessed value of its real estate of such borough as shown upon the county records the year when such authority is given or the year next preceding, shall be given by advertisement, set up in at least ten public places in such borough for at least twenty days, and published for two successive weeks in three newspapers circulating therein; on the ballots issued at such election shall be printed or written "for the issue of bonds" or "against the issue of bonds," and the said election officers shall return to the governing body of such borough a true and correct statement in writing under their hands of the result of such election.

Proviso.

Amount of bonds limited.

Notice of election shall be advertised.

When it shall be lawful to proceed with the improvement.

3. *And be it enacted*, That if at such election a majority of all the ballots cast shall be "for the issue of bonds," it shall then be lawful for the governing body of such borough to proceed with the improvement of the sidewalks, the work to be done by contract, and to incur an expense therefor not exceeding the amount mentioned in the notice of such election, and to issue coupon bonds of such borough for the purpose of providing funds to pay the cost and expenses of such improvements, such bonds to be issued from time to time as occasion may require, but not to exceed in the aggregate the amount mentioned in the notice of such election; the bonds may be made payable at times to be therein specified, in a period of not more than ten years from issuing the same, and shall be so issued that a portion of the same shall be made payable in each year from the date of said bonds, and shall be disposed of in such manner as the governing body of such borough

Bonds to be issued as occasion may require, and shall not be sold for less than par.

may determine, but in no case shall such bonds be issued or sold at less than the par value thereof.

Cost and expenses to be certified to collector of taxes.

4. *And be it enacted*, That in addition to means already provided either by law or ordinance for the collection of such cost and expenses from the owner or owners of the lot or lands in front of which such sidewalks have been graded, paved, curbed or repaired, it shall be lawful for the governing body of such borough to certify the costs thereof to the collector of taxes for said borough, with a description of the lot or lots of land in front of which the work was done, and the owner's name if it can be ascertained; the collector shall file a copy of said certificate in the office of the clerk of the county in which said borough is situate in the book of returns of unpaid taxes on real estate, and the amount of such cost, with expenses and lawful interest, shall be and remain a paramount lien on such lot or tract of land for the term of ten years from the date of such improvement, unless sooner paid or otherwise satisfied; the collector shall thereupon proceed to collect the same in such yearly or other installment as the borough shall direct, providing the installments do not extend beyond a period of ten years, but said collector shall make such collections in the manner in which unpaid taxes on real estate are now or may be by law collectable in such borough, unless otherwise directed by said borough.

Collector shall file certificate in county clerk's office.

Taxes shall be collected in yearly installments, unless otherwise ordered.

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

Approved March 11, 1895.

CHAPTER CXXI.

An Act to provide for the election of chosen freeholders in certain cities and incorporated towns in this state.

Certain cities may elect a chosen freeholder for each ward.

1. BE IT ENACTED, *by the Senate and General Assembly of the State of New Jersey*, That there shall be elected from cities of the third class and incorporated towns of this state, having a population of not less than eight thousand, which are not now but may hereafter be divided into wards, a chosen freeholder to represent each ward of such city or incorporated town in the board of chosen freeholders of the county in which such city or incorporated town is situated, whose term of office shall be the same as the other freeholders elected in said county; *provided, however*, that if a chosen freeholder now holds a seat in the board of chosen freeholders of the county from any such city or incorporated town to which this act applies, or from the township of which such city or incorporated town formed a part and from which it has been set off, and is a resident of such city or incorporated town, such freeholder shall remain in office until the expiration of the term for which he was elected, as the chosen freeholder from the ward in which he resides; and his successor shall be elected for a term ending at the same time that the term of office of the other chosen freeholders of such city or town shall terminate.

Proviso.

Repealer.

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

Approved March 13, 1895.

CHAPTER CXXII.

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

Collector shall render account to mayor, and pay over moneys collected for borough purposes.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the collector of taxes of any borough formed under the act to which this is a supplement shall, when requested to do so at any time by the mayor and council of such borough, render to said mayor and council a true and full account of all moneys collected by him as such collector up to such time, and of all payments made by him out of said moneys, and for what purpose, and shall also, when required by said mayor and council, pay over to any bank or banking institution designated by them all moneys then in his hands collected or received by him for borough purposes, in the corporate name of such borough, subject to drafts thereon, to be signed by the said mayor, attested by the borough clerk and countersigned by the said collector.

Penalty for non-compliance.

2. *And be it enacted*, That if any such collector shall not comply with any such requirement, demand or direction of such mayor and council as herein provided, then he shall forfeit and pay to such borough the sum of one hundred dollars, to be recovered in a proper suit in any court of competent jurisdiction.

Repealer.

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

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

Approved March 14, 1895.

CHAPTER CXXIII.

An Act to amend an act entitled "A further supplement to an act entitled 'An act to protect trade-marks and labels,' approved March twenty-third, one thousand eight hundred and ninety-two."

Section to be amended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section one of the act entitled "A further supplement to an act entitled 'An act to protect trade-marks and labels,' approved March twenty-third, one thousand eight hundred and ninety-two," be and the same is hereby amended to read as follows:

Unlawful to counterfeit union labels, trade-marks, etc., or to use, sell or utter the same.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever any person, or any association or union of workingmen has heretofore adopted or used or shall hereafter adopt or use any label, trade-mark, term, design, device or form of advertisement for the purpose of designating, making known, or distinguishing any goods, wares, merchandise or other product of labor, as having been made, manufactured, produced, prepared, packed or put on sale by such person or association or union of workingmen, or by a member or members of such association or union, it shall be unlawful to counterfeit or imitate such label, trade-mark, term, design, device or form of advertisement, or to use, sell, offer for sale or in any way utter or circulate any counterfeit or imitation of any such label, trade-mark, term, design, device or form of advertisement.

Section to be amended.

2. *And be it enacted*, That section two of said act be amended to read as follows:

Penalty.

2. *And be it enacted*, That whoever counterfeits or imitates any such label, trade-mark, term, design, device or form of advertisement, or sells, offers for sale, or in any way utters or circulates any counterfeit or

imitation of any such label, trade-mark, term, design, device or form of advertisement, or knowingly uses any such counterfeit or imitation, or knowingly sells or disposes of, or keeps or has in his possession, with intent that the same shall be sold or disposed of, any goods, wares, merchandise or other product of labor to which any such counterfeit or imitation is attached or affixed, or on which any such counterfeit or imitation is printed, painted, stamped or impressed, or knowingly sells or disposes of any goods, wares, merchandise or other product of labor contained in any box, case, can or package to which or on which any such counterfeit or imitation is attached, affixed, printed, painted, stamped or impressed, or keeps or has in his possession, with intent that the same shall be sold or disposed of, any goods, wares, merchandise or other product of labor in any box, case, can or package to which or on which any such counterfeit or imitation is attached, affixed, printed, painted, stamped or impressed, shall be punished by a fine of not less than onehundred dollars nor more than two hundred dollars, or by imprisonment for not less than three months nor more than one year, or by both such fine and imprisonment, at the discretion of the court.

Section to be amended.

3. *And be it enacted*, That section three of said act be amended to read as follows:

Labels, etc., may be filed and recorded in office of secretary of state.

3. *And be it enacted*, That every such person, association or union that has heretofore adopted or used, or shall hereafter adopt or use, any label, trade-mark, term, design, device or form of advertisement, as provided in section one of this act, may file the same for record in the office of the secretary of state by leaving two copies, counterparts or fac-similies thereof, with said secretary, and by filing therewith a sworn statement, specifying the name or names of the person, association or union on whose behalf such label, trade-mark, term, design, device or form of advertisement shall be filed, the class of merchandise, and a particular description of the goods to which it has been or is intended to be appropriated; that the party so filing, or on whose behalf such label, trade-mark, term, design, device or form of advertisement shall be filed,

has the right to the use of the same, and that no other person, firm, association, union or corporation has the right to such use, either in the identical form or in any such near resemblance thereto as may be calculated to deceive, and that the fac-simile copies or counterparts filed therewith are true and correct; there shall be paid for such filing and recording a fee of one dollar; any person who shall, for himself or on behalf of any other person, association or union, procure the filing of any label, trade-mark, term, design, device or form of advertisement in the office of the secretary of state under the provisions of this act by making any false or fraudulent representations or declaration, verbally or in writing, or by any fraudulent means, shall be liable to pay any damages sustained in consequence of any such filing, to be recovered by or on behalf of the party injured thereby, in any court having jurisdiction, and shall be punished by a fine not exceeding two hundred dollars, or by imprisonment not exceeding one year, or both, at the discretion of the court; said secretary shall deliver to such person, association or union so filing or causing to be filed any such label, trade-mark, term, design, device or form of advertisement, so many duly-attested certificates of the recording of the same as such person, association or union may apply for, for each of which certificates said secretary shall receive a fee of one dollar; any such certificate of record shall in all suits and prosecutions under this act be sufficient proof of the adoption of such label, trade-mark, term, design, device or form of advertisement; said secretary of state shall not record for any person, union or association any label, trade-mark, term, design, device or form of advertisement that would reasonably be mistaken for any label, trade-mark, term, design, device or form of advertisement theretofore filed by or on behalf of any other person, union or association.

Fee for recording.

Penalty for false representation.

Fee for furnishing certificates of record.

Certificates shall be admitted in evidence.

Repealer.

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

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

Approved March 14, 1895.

CHAPTER CXXIV.

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

Females may be appointed commissioners of deeds.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the power vested by said act to which this is a supplement, in the senate and general assembly, in joint meeting, to appoint proper and fit persons for each of the counties of this state, to be styled and denominated "commissioners of deeds," shall not be limited to the appointment of persons of the male sex, but such appointments may be of persons of either sex; and all words in said act, or any supplement thereto, referring to said commissioners as of the musculine gender, shall be understood to include and shall be applied to females as well as males.

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

Approved March 14, 1895.

CHAPTER CXXV.

An Act to authorize pursuing and detective companies to provide for the indemnification of their members from loss, in whole or in part, by robbery, burglary, larceny or theft.

Companies may provide for indemnity from loss.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for any pursuing and detective company, organ-

ized under any general or special act of the legislature, to provide for the indemnification of its members from loss, in whole or in part, by robbery, burglary, larceny or theft, and to make by-laws, rules and regulations for the same, and to fix the dues, fees and assessments of the members, and to provide for the payment and collection thereof, and to sue for and recover the same in any court of competent jurisdiction.

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

Approved March 14, 1895.

CHAPTER CXXVI.

An Act to amend an act entitled "An act for the organization of the national guard of the State of New Jersey," approved March ninth, one thousand eight hundred and sixty-nine.

Colored companies authorized.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in addition to the force hereinbefore authorized there shall be allowed four companies of colored infantry, one each to be stationed at Camden, Trenton, Newark and Jersey City.

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

Approved March 14, 1895.

CHAPTER CXXVII.

An Act to allow municipalities and improvement commissions, other than cities of the first class, to issue certificates of indebtedness for street improvements.

Certain municipalities authorized to issue certificates of indebtedness.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the legislative body of any municipality and improvement commission, other than cities of the first class of this state, shall have authority to issue certificates of indebtedness to an amount not exceeding the cost of any street or sewer improvement or improvements, in anticipation of the collection of any assessment or assessments made or to be made therefor, which certificates shall be redeemable after one year from date and payable in five years, and shall draw such rate of interest, not exceeding five per centum per annum, as such legislative body may determine.

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

Approved March 14, 1895.

CHAPTER CXXVIII.

An Act to authorize the correction of mistakes in the assessment and collection of taxes, and in the sale of lands for alleged non-payment of taxes.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in case the owner of any lands shall have duly paid taxes according to

Upon satisfactory evidence mistakes may be corrected and amount paid, with interest, refunded.

the tax bills presented to him from year to year, and it shall subsequently appear that through mistake or inadventence the said tax bill or bills for any year so presented to such owner and paid by him shall contain an erroneous lot number or other misdescription not affecting the valuation of his said land or the amount of tax payable thereon, and that by reason of such misdescription or other mistake or inadvertence the said land of such land-owner shall have been sold for supposed non-payment of taxes, whereby such land-owner shall have been compelled to pay for the redemption of such land from the said sale, it shall be lawful, and shall be the duty of the municipal corporation in which such land is situated, upon the production by such land-owner of both the tax receipt and the certificate of redemption relating to the same premises, and for the taxes of the same year, and upon satisfactory evidence that such sale for alleged non-payment of taxes was made by mistake or inadvertence, to refund and repay to such land-owner the amount so paid by him for the redemption of such land.

Repealer.

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

Approved March 14, 1895.

CHAPTER CXXIX.

An Act in relation to partition walls between adjoining buildings and to provide for relief in cases where the centre line of such partition wall is not erected upon the division line of adjoining lands.

1. BE IT ENACTED, *by the Senate and General Assembly of the State of New Jersey*, That wherever any partition wall has heretofore been erected or shall

hereafter be erected by the owners of adjoining lands upon the division line of their properties, and it shall appear that the centre line of such partition wall does not correspond exactly with the division line of the land of such adjoining owners, but that more than half of such partition wall is erected upon the land of one of such adjoining owners, no suit in ejectment or action of tort shall be commenced by the owner of the premises upon whose land more than half of such partition wall is erected in reference to such partition wall as long as the same shall stand, but the present owner of either of such adjoining lands may apply to the court of chancery of this state for relief and for adjudication of the rights of such adjoining owners in such partition wall, and the said court shall hear and determine such cause, or shall refer such application to one of the special masters of said court to ascertain and report the facts in the case, and what in the opinion of such special master is a fair and just sum in gross to be paid by the owner of the premises who enjoys the use of more than half of such partition wall, to the owner of the land upon which more than half of such partition wall has been erected, and upon the confirmation of such special master's report, the said court shall make a decree that, upon the payment of such sum in gross by the owner of the land who has the use of more than half of such partition wall, to the owner of the land upon whose ground such partition wall overlaps, or to any mortgagee or judgment creditor having a lien thereon, as hereinafter provided, such partition wall shall stand as then erected as long and in the same manner as if the centre line thereof had been erected upon the centre of the division line between such adjoining premises, and the rights of such adjoining owners in such partition wall shall in all respects be the same as if the centre line of such partition wall was erected upon the centre of the division line between said land.

Court of Chancery may hear and determine rights of owners

Court shall fix amount of gross sum to be paid.

2. *And be it enacted*, That any mortgagee or mortgagees or judgment creditors having a lien upon the land upon which more than half of such partition wall is erected may be made parties to such proceedings, and in case they fail to appear and answer and prove their

Mortgagees and judgment creditors made parties to the proceedings.

claims, they shall be bound by such decree, and in case they do appear and prove their claims and claim such sum in gross, the same shall be paid to them in order of priority, and upon the payment of such sum in gross to such mortgagee or judgment creditor the same shall be deducted from his debt.

Exceptions to the master's report may be taken.

3. *And be it enacted*, That any of the parties to such proceeding may take exceptions to such special master's report, which shall be heard and determined by said court as such exceptions are usually heard and determined.

When owners, etc., refuse to receive award amount shall be paid into court.

4. *And be it enacted*, That in case any owner, mortgagee or judgment creditor to whom such sum in gross is awarded shall refuse to accept the same when tendered, together with such costs as may be awarded to him, and to execute and acknowledge a proper receipt for the same, which may be recorded, such sum in gross and costs may be paid into said court to the clerk thereof, and the payment thereof into court shall operate in the same manner as if paid to such owner, mortgagee or judgment creditor.

Payment of award shall not convey title.

5. *And be it enacted*, That the payment of such sum in gross shall not be held to convey any title to the land upon which such partition wall is erected, nor shall the continued erection thereof be held to give a title by adverse possession to such land, but the division line between the lands of such adjoining owners shall be and remain the same as before any proceedings were instituted.

Cases in which this act shall not apply.

6. *And be it enacted*, That this act shall not apply to any case where an action in ejectment or action of tort has now been commenced in reference to such partition wall as herein described, until after such suit is determined.

Court shall fix costs.

7. *And be it enacted*, That the said court shall make such order in reference to the costs of such proceedings as to the court shall appear equitable and just.

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

Approved March 14, 1895.

CHAPTER CXXX.

An Act to prevent the adulteration of candy.

Manufacture and sale of adulterated candy prohibited.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That no person shall by himself, his servant or agent, or as the servant or agent of any other person or corporation, manufacture for sale or knowingly sell or offer to sell any candy adulterated by the admixture of terra alba, barytes, talc or other mineral substance, by poisonous colors, flavors, fusil oil, intoxicants or other ingredients deleterious or detrimental to health.

Penalty.

2. *And be it enacted*, That every person who shall violate any of the provisions of this act shall forfeit and pay a penalty of fifty dollars for the first offense and one hundred dollars for a second or subsequent offense, the one-half thereof to the use of the state of New Jersey and the other moiety to him who shall sue for the same, to be recovered by action upon contract in any court of record of this state, together with costs of suit.

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

Approved March 14, 1895.

CHAPTER CXXXI.

An Act to amend an act entitled "An act to authorize the construction, curbing and paving of sidewalks and crosswalks in townships," approved May ninth, one thousand eight hundred and eighty-four.

Section to be amended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section nine of the act entitled "An act to authorize the construction, curbing and paving of sidewalks and crosswalks in townships," approved May ninth, one thousand eight hundred and eighty-four, be and the same is hereby amended so as to read as follows:

Assessments shall be certified to collector.

9. *And be it enacted*, That within five days after the assessment shall have been confirmed and entered in the minutes as aforesaid, the township clerk shall deliver a certified copy of the same to the collector of taxes in such township, who shall within fifteen days after receiving the same demand payment of the sum so assessed upon the owner or owners of each lot of land by delivering to the owner of each lot, or to one of the owners of each lot residing within his township, or by leaving at the place of residence of any owner residing within his township, or by delivering to the agent of any such owner or owners a notice in writing or printed, which notice shall set forth the name or names of the owner or owners, a brief description of the location of such lot, the amount of the assessment, and the time when the same shall become due and payable, and if any owner or owners shall reside out of his township, the said collector shall, within the same time, send a like notice to him, her or them by mail, with postage prepaid, directed to his, her or their last known post-office address; *provided*, that the provisions of this act shall not apply to townships in counties having less than fifty thousand inhabitants.

Collector shall demand payment and set up notices.

Non-residents shall be notified by mail.

Proviso

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

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

Approved March 14, 1895.

CHAPTER CXXXII.

An Act to regulate the publication of financial statements in incorporated towns.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That where, by any existing law, the treasurer, auditor of accounts or other financial officer of any incorporated town is required to publish a monthly statement of the public finances in a newspaper circulated within said town, the said treasurer, auditor of accounts or other financial officer charged with the duty of publication shall publish all such financial statements in a daily newspaper; *provided*, there be a daily newspaper printed and published within any such incorporated town. Statements shall be published in a daily newspaper. Proviso.

2. *And be it enacted*, That the monthly financial statements required to be published as aforesaid shall be inserted in such daily newspaper within fifteen days after the end of the month covered by the same, and that this act shall take effect immediately. Time for publication limited.

Approved March 14, 1895.

CHAPTER CXXXIII.

An Act providing for the formation and establishment of wards in certain cities of the third class in this state, and making the necessary changes in the government of the same.

Governing body may divide municipality into wards.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall and may be lawful for the common council or other governing body of any incorporated town or city of the third class in this state that has not been heretofore divided into wards by ordinance to divide said town or city into wards by ordinance all of which shall be formed of contiguous territory, and with due regard to equality of population; the boundary and dividing lines of all such wards shall be properly described, and a map defining the said lines and showing the extent and boundaries of such wards shall be made and filed in the office of the city clerk, with a description or statement of such lines, all of which shall be attested and certified by the mayor of said town or city.

Number to be in proportion to population.

2. *And be it enacted*, That the number of wards into which such town or city shall be divided shall not exceed more than one for every five hundred voters registered at the last municipal election held in said town or city, and each fraction thereof exceeding one-half; and

Change of lines limited.

that said ward lines and the number of said wards when established, shall not be changed oftener than once in five years, except by the unanimous vote of the board of aldermen.

Wards shall constitute election districts.

3. *And be it enacted*, That the several wards created as aforesaid shall constitute the election districts of said

Proviso.

town or city; *provided, however*, that whenever more than six hundred votes shall be cast at any election in any of said wards or election districts, the board of aldermen may, in their discretion, divide such ward or

election district into two districts, and cause boundary lines of the same to be marked on the map as hereinbefore provided.

Aldermen to be elected.

4. *And be it enacted*, That there shall be elected in each of said wards two aldermen, who shall hold their office for two years and until their successors shall be elected, who, with the mayor of such town or city, shall constitute and form the government thereof in place of the government theretofore existing in such town or city, and the said mayor and board of aldermen shall be a body politic and corporate in deed, fact and name by the name, style and title of "the mayor and board of aldermen of———," and shall have and enjoy all the rights, powers, authorities and immunities heretofore had and enjoyed by the governing bodies mentioned in the act of incorporation of said town or city; *provided, however*, that the mayor shall remain in office until the expiration of his present term, and the recorder, aldermen and common councilmen now in office in such town or city shall remain in office as the aldermen of the wards in which they severally reside until the expiration of their present terms; *and provided further*, that in case of an election for two aldermen in one of such wards, one shall be elected for one year and one for two years.

Mayor and aldermen constitute a body politic.

Proviso.

Proviso

County board shall appoint board of registry and election.

5. *And be it enacted*, That the several county boards of registration shall appoint boards of registry and election for each of the election districts in such town or city of their respective counties, and that such boards of registry and election shall conduct all elections held in such town or city.

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

Approved March 14, 1895.

CHAPTER CXXXIV.

An Act to authorize the common council or other governing body of certain municipalities in this state to change the time of holding the annual election therein.

Governing body may change time for holding cha ter election.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That wherever in any incorporated town or city in this state the time for holding the annual election therein has been fixed by its charter for the second Monday in May, the common council or other governing body of said town or city may by ordinance change the day of holding said election to the first Monday in May; and after said change has been made by ordinance, as aforesaid, the said annual election shall be held on the first Monday in May in each and every year thereafter.

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

Approved March 14, 1895.

CHAPTER CXXXV.

An Act to amend an act entitled "An act to enable certain municipal corporations of this state to raise increased sums of money for public purposes," approved February twenty-second, one thousand eight hundred and eighty-eight.

Section to be amended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section one of

an act entitled "An act to enable certain municipal corporations of this state to raise increased sums of money for public purposes," approved February twenty-second, one thousand eight hundred and eighty-eight, be and the same is hereby amended to read as follows:

Governing body may increase amount to be raised by taxation.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That where any city, town or other municipal corporation of this state, incorporated or existing under or by virtue of any special act of incorporation, is now limited by its charter or act of incorporation, or any supplement thereto, to raise by taxation in any one year a less sum than thirty thousand dollars, it shall and may be lawful for the governing body of any such city, town or other municipal corporation, by whatever name such governing body may be called or designated, in the discretion of such governing body and by a majority vote thereof, to order and raise by taxation, in any year or years, any sum, not exceeding thirty thousand dollars, as such governing body may deem necessary and proper, anything in any such special act of incorporation, charter or supplement thereto to the contrary notwithstanding.

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

Approved March 14, 1895.

CHAPTER CXXXVI.

An Act to further amend "An act entitled 'An act to authorize the construction of school-houses in cities of the first class in this state,'" approved February thirteenth, one thousand eight hundred and eighty-three.

Section to be amended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section one

of an act entitled "An act to authorize the construction of school-houses in cities of the first class of this state," approved February thirteenth, one thousand eight hundred and eighty-three, which said section was amended by an act entitled "An act amending an act to authorize the construction of school-houses in cities of the first class of this state," approved February thirteenth, one thousand eight hundred and eighty-three, which amendatory act was passed April sixteenth, one thousand eight hundred and eighty-four, be amended to read as follows:

Corporate authorities or financial board shall purchase lands and erect and equip school buildings.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the corporate authorities of the cities of the first class of this state, or the board having charge of the finances, upon request of the board of education or other body having the charge of the public schools in such cities of the first class, shall purchase lands and shall erect school-houses thereon, and shall furnish the same from time to time, as the increase of population in any part of such city of the first class having the least school accommodations may demand; *provided, however*, that the expense incurred in each year shall not exceed one hundred thousand dollars; *and provided further*, that such expenditures shall be concurred in by the city board authorized by law to make appropriations for the expense of the city government.

Proviso.

Proviso.

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

Approved March 14, 1895.

CHAPTER CXXXVII.

An Act to enable cities of the second class to purchase land and construct and operate water works for the purpose of supplying their inhabitants with pure and wholesome water.

Governing body may acquire land and construct water works.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall and may be lawful for the common council, board of aldermen or other governing body of any city of the second class in this state which does not own, possess, control or operate its own reservoir or water works to purchase and acquire the necessary land in or adjacent to said city for the construction of a reservoir and necessary water works, and to erect and construct on the lands so purchased an adequate reservoir for the supplying of pure and wholesome water to such city.

And lay mains, etc., in and along roads and streets in adjoining municipalities.

2. *And be it enacted*, That for the purpose of connecting the said reservoir and water works with the water-pipes and mains in the streets of said city, the common council, board of aldermen or other governing body shall have power to lay all necessary pipes, mains and conduits to, through and along any and all public roads, streets or thoroughfares in any village, town, township, city or other municipal division between said reservoir and said city; *provided*, *however*, that the consent of the governing body of such village, town, township, borough, city or other municipal division in which such roads, streets or thoroughfares are located shall, by proper resolution, be given, upon application in writing of such city, designating in such application the streets, roads or thoroughfares through which it is desired that said pipes, mains or conduits shall be laid.

Proviso.

May provide for a water supply, and connect it with their plant.

3. *And be it enacted*, That for the purpose of properly connecting said reservoirs and works with the pipes and mains of any other reservoir operated by any other city or company with which said city may contract for

a supply of pure and wholesome water, or with any stream, river or watershed which it may be desirable to tap for the purpose of an intake of such water to the reservoir so constructed or to be constructed by said city, the said common council, board of aldermen, or other governing body of such city shall have power to lay the necessary pipes, mains, and conduits in, to, through and along any and all roads, streets or other thoroughfares of any village, town, township, borough, city or other municipal division, between said reservoir of any other city or water company, or the stream, river or watershed aforesaid; *provided*, that a designation of such streets, roads or thoroughfares shall first be presented to the governing body of such village, town, township or borough or city, and a resolution of such governing body be passed approving of such designation.

Proviso.

Works, etc., shall be and remain in charge of water board.

4. *And be it enacted*, That when constructed and in operation the reservoir, water works and other works connected with said water-supply shall be and remain in the charge, custody and control of the properly-constituted water board or water commissioners, or other board of a like character having in charge the management and control of the water-supply of said city.

Proceedings in cases of condemnation of lands.

5. *And be it enacted*, That if for any reason the common council, board of aldermen or other governing body of such city cannot agree with the owner or owners of any lands required for the construction of such reservoir or other works connected with such water-supply and necessary for the proper operation thereof, or when by reason of legal incapacity or absence of such owner or owners no such agreement can be made, a particular description of the land so required shall be given in writing, under oath or affirmation of the city engineer, and the name or names of the occupant and owner of the premises, and the residence of the owner, if the same can be ascertained, to one of the justices of the supreme court, who shall cause said city to give notice thereof to the persons interested, if known and in the state, or if unknown or out of the state, to make publication thereof as he shall desire for any term not less than ten days, and to assign a particular time and

place for the appointment of the commissioners hereinafter mentioned, at which time upon satisfactory evidence to him of the service or publication of such notice aforesaid, he shall appoint, under his hand and seal, three disinterested, impartial and judicious freeholders, residents of the county in which the lands are situated, commissioners to examine said lands and assess the damages upon such notice to be given to the persons interested as shall be directed by the justice making the appointment, to be expressed therein not less than ten days; and it shall be the duty of the said commissioners, having first taken and subscribed an oath or affirmation before some person duly authorized to administer an oath faithfully and impartially to examine the matter in question, and to make a true report thereon according to the best of their skill and understanding, to meet at the time and place appointed and to proceed to view and examine the said land, and to make a just and equitable estimate or appraisement of the value of the same, and an assessment of damages to be paid by such city for such land, which report shall be made in writing under the hands and seals of the said commissioners, or any two of them, and filed within ten days thereafter together with the aforesaid description of the lands and the appointment and oaths and affirmations aforesaid in the clerk's office of the county in which the land is situate, to remain of record therein; and thereupon and on payment or tender of payment of the amount awarded as hereinafter provided, said city is hereby empowered to enter upon and take possession of said lands for the purposes aforesaid and the said report or a copy thereof, certified by the clerk of said county, and proof of payment, or tender of the amount awarded, shall at all times be considered as plenary evidence of the right of such city to have, hold, use, occupy, possess and enjoy the said land, or of the said owner or owners to recover the amount of said valuation with interest and costs in an action of debt in any court of competent jurisdiction in a suit against the city if it neglect or refuse the same for thirty days after demand made in writing upon its common council, board of aldermen or other governing body; another said justice of the supreme court shall

upon application of either party and on reasonable notice to the others tax and allow such costs, fees and expenses to the commissioners, clerks and other persons performing any of the duties prescribed by this section as he shall think equitable and right, which shall be paid by the city; *provided*, that should the owner of such lands or the city feel aggrieved by the decision of the commissioners aforesaid he, she or it may appeal to the circuit court in the county wherein the said lands are situate.

Proviso.

Proceedings in cases of appeal.

6. *And be it enacted*, That the appeal from the decision of the commissioners shall be made in writing and in the form of a petition to said court, and filed with the clerk of the circuit court of the county where said lands are situate, and notice in writing of such appeal shall be given to the opposite party within ten days after the filing of said petition, which proceeding shall vest in the circuit court full right and power to hear and adjudge the same and to direct a proper issue for the trial of said controversy to be formed between the parties, and to order a jury to be struck and a view of the premises to be had, and the said issue to be tried at the next term of said court; and it shall be the duty of said jury to assess the value of said land and damages sustained, and if they shall find a greater sum than said commissioners have awarded, the judgment thereon, with costs, shall be entered against said city; but if said jury shall be applied for by the owner of the land, and shall find a less sum than said city shall have offered or said commissioners awarded, the costs shall be paid by said applicant and deducted out of the sum found by said jury; but such application shall not prevent said city from taking said land upon filing the report aforesaid; *provided*, that in no case whatever shall said city enter upon or take possession of said lands until they have paid to the party or parties entitled to receive the same the amount assessed by said commissioners as the value of said lands and damages in case the report is not appealed from, or if appealed from then the amount which shall be found by the jury by whom the issue shall be tried, but in case the party or parties entitled to receive the same shall be out of

Prov so.

the state or under any legal disability then the payment of the amount assessed or found as aforesaid into the circuit court of the county wherein such lands lie shall be deemed a legal and valid payment; *and provided further*, that the party or parties entitle to receive the amount assessed by said commissioners may upon tender thereof receive the same without being barred thereby from his or her appeal; and on tender or payment of the money into court in case it be refused as aforesaid, or in case said city shall appeal from the finding of the commissioners, then said city upon payment of the amount so assessed or found as aforesaid into said circuit court shall be empowered to enter upon and take possession of said lands and proceed with the work of constructing said reservoir and incidental works. Proviso.

Bonds may be issued to pay for lands, etc.

7. *And be it enacted*, That for the purpose of defraying the cost and expense of the construction of said reservoir and incidental works, and the purchase or condemnation of the necessary lands as aforesaid and the purchase of the necessary pipes, mains, and conduits as aforesaid so as to enable the said city to operate a perfect system for the supplying of pure and wholesome water to its inhabitants, it shall and may be lawful for said common council, board of aldermen or other governing body of such city, to cause to be issued under the hand of its mayor and the seal of said city bonds to an amount not to exceed the sum of five hundred thousand dollars, payable in not less than twenty years from date of issue and bearing interest at a rate not to exceed five per centum per annum, pledging the faith and credit of said city for the payment thereof, which bonds shall be sold to the highest bidder therefor; and for the purpose of retiring said bonds at maturity the assessor of said city shall cause to be inserted in the annual tax levy of each year a certian percentage on the gross value of assessable property in said city, to be appropriated on collection thereof as a sinking fund, to meet and retire said bonds as they mature, and in the order of their maturing.

Amount of bonds and rate interest limited.

Sinking fund shall be established.

Repealer.

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

Act shall remain inoperative until assented to by a majority of legal voters.

immediately, but its provisions shall remain inoperative in any such city of this state until assented to by a majority of the legal electors thereof, voting at an election to be held in said city at any time to be fixed by the board of aldermen, common council or other governing body of such city, of which election the city clerk of said city shall cause public notice to be given by advertisements, signed by himself and set up in at least twenty places in said city and published in one or more newspapers printed therein, setting forth the time and place of holding such election and published for at least six days prior to the day of election; and said election ballots shall be printed or written, or partly printed and partly written, on all of which ballots shall be the words, "for the adoption by this city of the provisions of the act entitled 'An act to enable cities of the second class to purchase land and construct and operate water works for the purpose of supplying their inhabitants with pure and wholesome water;'" and "against the adoption by this city of the provisions of the act entitled 'An act to enable cities of the second class to purchase land and construct and operate water works for the purpose of supplying their inhabitants with pure and wholesome water;'" and the elector shall signify his election by scratching or erasing either of said propositions from his ballot as deposited in the ballot-box, the ballot when counted to be counted for the unscratched or unerased proposition only, and against the scratched or erased proposition; and if a majority of the legal electors voting at said election shall cast their ballots in favor of the adoption of said act then the said act, after the declaration of such result by the common council, board of aldermen or other governing body upon the returns submitted to said body by the election boards, shall go into effect immediately and become operative in said city.

Proceedings preliminary to an election.

When and where election shall be held and conducted.

9. *And be it enacted*, That said election shall be held at the usual places of holding the annual charter election in said city, and may be held upon the same day with said charter election, if desirable to said common council, board of aldermen or other governing body, and the polls shall be open during the same time as pre-

scribed in charter elections, and said election shall be conducted by the proper election officers of said city for the time being in the manner provided by law for conducting elections, and such election officers shall return to the board of aldermen, common council or other governing body of said city, a true and correct statement in writing of the result of such election, the same to be entered at large upon the minutes of said body.

Approved March 14, 1895.

CHAPTER CXXXVIII.

A Supplement to an act entitled "An act relative to corporations," approved May fifteenth, one thousand eight hundred and ninety-four.

Certain foreign corporations shall file articles of incorporation before commencing business.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That each and every corporation, not organized under the laws of the state of New Jersey (foreign corporations), other than banking, insurance, ferry and railroad corporations, shall before transacting any business in any manner whatsoever in this state file in the department of state a copy of its charter or certificate of organization, duly attested by its president or vice president and treasurer or secretary, under its corporate seal, and a statement by the same officers, also under corporate seal, setting forth the total amount of capital stock it is authorized to issue and the amount actually issued, the character of the business in which it is engaged and in which it proposes to engage within this state, a citizen or corporation of this state as its agent, upon whom legal process against such foreign corporation may be served; such citizen or corporation so designated shall have an office or place of business in this state which shall be held to be the principal place of business within this state of such foreign corporation; and the agency so

Agent shall have office in this state.

designated shall continue in force until revoked in writing, and some other citizen or New Jersey corporation shall be substituted therefor; if the citizen so designated dies or removes his office, or such New Jersey corporation becomes disqualified, and such foreign corporation does not within thirty days after such death, removal or disqualification designate in like manner another citizen or New Jersey corporation upon whom process against it may be served within this state, the secretary of state shall revoke the authority of such corporation to do business within this state, and process against such corporations in actions upon any liability incurred within this state before such revocation may, after such death, removal or disqualification, and before any other designation shall have been made, be served upon the secretary of state; at the time of such service the plaintiff shall pay to the secretary of state for the use of the state two dollars, to be included in the taxable costs and disbursements of such plaintiff, and the secretary of state shall forthwith mail a copy of such notice to such corporation or the address of any officer thereof, if known to him.

Upon failure to comply, authority to transact business shall be revoked.

Notices may be served on secretary of state when agent is disabled or disqualified.

2. *And be it enacted*, That upon filing the papers hereinbefore designated, the secretary of state shall issue to the said foreign corporation a certificate that it has complied with all the requirements of law to authorize it to transact business in this state, and that the business of such corporation to be carried on within this state in such as may be lawfully carried on by corporations incorporated under the laws of New Jersey for similar business; until such corporation so transacting business in this state shall have obtained said certificate of the secretary of state, it shall not maintain any action in this state upon any contract made by it in this state, but any lawful contract made prior to the passage of this act may be performed and enforced within this state subsequent to that date; for each certificate issued and paper filed by the secretary of state as herein provided for, he shall receive for the use of the state the sum of five dollars; *provided*, that all expenses incurred in carrying out the provisions of this act shall be paid by the secretary of state out of the fees so received.

Certificate shall issue when conditions are complied with.

Proviso.

Unlawful to transact business until conditions are complied with.

3. *And be it enacted*, That it shall not be lawful for any person to act as agent or transact any business in any manner whatsoever, directly or indirectly, for or on behalf of any such corporation, until such corporation has fully complied with the requirements of this act; and whosoever shall act as agent or transact any business for any such corporation without such corporation having first complied with the provisions of this act, shall be guilty of a misdemeanor, and shall, on conviction thereof, forfeit and pay to the state the sum of fifty dollars, or be imprisoned in the county jail of the county where such conviction is had for a period not exceeding six months.

Penalty.

Certificate must be obtained before commencing business.

4. *And be it enacted*, That it shall be unlawful for any such foreign corporation to transact any business in any manner whatsoever, directly or indirectly, in this state before filing the instruments and obtaining the certificate provided for in sections one and two of this act; and any such corporation that transacts any business in this state, either by itself or agent or agents, before complying with the provisions of this act, shall for each offense forfeit and pay to the state of New Jersey the sum of one hundred dollars.

Penalty.

Penalty provided for shall be enforced.

5. *And be it enacted*, That every penalty provided for in this act shall be enforced, sued for and recovered in the name of the state of New Jersey by the attorney-general of this state, together with the costs of suit, and when so collected must be paid into the state treasury, and in case of the non-payment of such penalty as prescribed in the fourth section of this act, then that levy be made upon the book accounts or other assets of such offending corporation.

Repealer.

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

Approved March 14, 1895.

CHAPTER CXXXIX.

An Act concerning proceedings to review judgments or other judicial proceedings of any city judge, police court or other inferior court had for or on account of alleged violation of city ordinances of city boards of health.

Judicial proceedings of city judge or city courts may be reviewed.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in order to establish uniformity in the premises in all the cities of this state, all judgments or other judicial proceedings of any city judge, police court or other inferior court, had for or on account of alleged violation of city ordinances or ordinances of city boards of health, and whether had with or without a trial by jury, shall be reviewable by writ of certiorari, in accordance with the rules and practice of the supreme court and not otherwise.

Repealer.

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

Approved March 14, 1895.

CHAPTER CXL.

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

WHEREAS, After sewers are laid in the streets of cities, such streets are frequently opened and torn up for the purpose of making house connections with such sewers; therefore, Preamble.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in all cities in this state where sewers are now being built or hereafter may be built, under and by virtue of the act to which this is a supplement, the common council, board of aldermen or other municipal body, charged by law with the construction of sewers in such cities, shall have power and authority to build and construct at the time of the building of such sewer, house connection from such sewers proper to the curb line of the lots fronting on the street or streets through which such sewer or sewers shall be built. House connections may be built to the curb line.

2. *And be it enacted*, That the costs and expenses of making such house connections shall be charged to and borne by the lots and sub-divisions of lots particularly benefited thereby, and shall be assessed against the same at the same time and by the same authority making the assessments for such sewers proper. And assessed to the lots benefited.

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

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

Approved March 14, 1895.

CHAPTER CXLI.

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

Section to be amended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section twenty-two of the act entitled "An act to provide for drainage and sewerage in cities of this state," approved April seventh, one thousand eight hundred and ninety, be amended so as to read as follows:

22. *And be it enacted*, That in case there shall be in any city a board of assessments or commissioners of assessments, appointed by the common council and intrusted with the duty of assessing damages and benefits generally in respect of such local improvements as may be authorized by the charter of such city, or in case any city shall, by ordinance, provide for the appointment of commissioners of assessments to be intrusted with the duty of assessing damages and benefits under and by virtue of this act (which ordinance all cities are hereby authorized and empowered to pass), and such commissioners shall be appointed as provided by such ordinance, it shall be lawful for said council to refer all assessments of damages and benefits authorized by this act to such board or commissioners, who shall make said assessments in the manner and according to the principles prescribed by this act; such board or commissioners may be at once sworn to make all assessments fairly and impartially, according to the best of their skill and judgment, and if so sworn need not be sworn again; they shall receive such compensation for their services under this act as shall be determined by the common council, and instead of reporting to the circuit court they shall make their

Assessments of damages and benefits to be referred to a board of commissioners.

Board shall be sworn

report to the common council, which shall proceed to consider, review, alter, ratify and confirm the same at any meeting of which at least two weeks' previous notice, by advertisement, shall be given by the city clerk, or at any subsequent meeting; such notice shall be published at least twice in a newspaper published or circulating in said city, and shall briefly state the object of such meeting with reference to said assessment; and said council, in its discretion, shall have power to refer the matter to any committee of their own body before taking final action upon it; such report, when ratified or confirmed, shall be final and conclusive, both upon the city and upon the owner of any land affected thereby, except that any person aggrieved by an assessmen of damages may appeal to the supreme court in the manner provided by section fifteen hereof; all the provisions of section fourteen hereof shall be applicable to the case of all references made under this section.

Shall report to common council.

Meeting for review of report shall be advertised.

Appeal may be had to supreme court.

2. *And be it enacted*, That section thirty-five of said act be amended so as to read as follows:

Section to be amended.

35. *And be it enacted*, That for the purpose of defraying the costs and expenses of improvements, incurred under and by virtue of this act, the common council may, if necessary, borrow money and secure the payment of the same by the notes and other temporary obligations of the city; these notes and obligations may be renewed from time to time until the work be done or the assessments for benefits confirmed; when so confirmed the common council shall provide for the costs and expenses of the improvements in manner hereinafter mentioned.

Council may borrow money to pay for work and benefits assessed.

Approved March 14, 1895.

CHAPTER CXLII.

An Act relating to contracts and agreements of operatives in mills, factories and other manufacturing establishments.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever any operative in any mill, factory or other manufacturing establishment shall contract or agree with his or her employer, or the agent of such employer, to forfeit any part of his or her wages or pay in case he or she shall quit work or service in such mill, factory or manufacturing establishment, without giving a certain specified notice of intention so to do, such operative shall, before being discharged from such work or service, be given notice thereof for the same length of time as that of the notice required of him or her as aforesaid, and in default of such notice, shall receive wages or pay for the same length of time for which his or her wages or pay would have been forfeited in case he or she had quit such work or service without notice as aforesaid; and whenever, in such a case, the wages or pay of such operative shall not be a fixed sum, as, for instance, so much per day or week, then the wages or pay to be so received by such operative shall be the amount he or she might ordinarily have earned in the time for which such notice should have been given; and such operative, upon making demand for such wages or pay, and a refusal to pay the same, shall be entitled to sue for and recover the same, the same as if it was due under an express contract; and if he or she shall recover judgment in such suit for such wages or pay, or for a larger amount than had been tendered him or her in case a tender had been made, then he or she shall be allowed, as part of the costs thereof, an attorney's fee, to be fixed by the court, and in case the defendant shall appeal

Operatives shall have notice before being discharged.

How wages shall be estimated when rate has not been fixed.

When cost shall be allowed.

from such judgment, and shall not be successful on such appeal, then such operative shall be allowed, as part of the costs of such appeal, an additional attorney's fee, to be fixed by the court; *provided*, *however*, that such operative shall not be entitled to receive or recover such wages or pay in consequence of having been discharged without notice as aforesaid, if he or she, by his or her misconduct in or about such work or service, or incompetency to perform properly such work or service, shall have given or afforded sufficient cause for such discharge. Proviso.

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

Approved March 14, 1895.

CHAPTER CXLIII.

Supplement to an act entitled "An act for the formation and government of boroughs," approved April second, one thousand eight hundred and ninety-one.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section nine of said act be amended so as to read as follows: that in addition to the officers above provided for, there may be appointed by the council one borough marshal, one surveyor, one solicitor, one superintendent of public roads, one police justice, who shall have like jurisdiction and exercise like powers as are now by law conferred upon police justices in cities of the third class in this state, and such and so many policemen and other officers as shall be deemed necessary by said council, who shall hold office for such time and perform such duties as are or may be by law or ordinance of said council, not in conflict with law, provided for. Section amended. Council may appoint certain officers.

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

Approved March 14, 1895.

CHAPTER CXLIV.

An Act to amend an act entitled "An act requiring contracts for the conditional sale of personal property to be recorded," approved May ninth, one thousand eight hundred and eighty-nine.

Section to be amended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section one of an act entitled "An act requiring contracts for the conditional sale of personal property to be recorded," approved May ninth, one thousand eight hundred and eighty-nine, be and the same hereby is amended so as to read as follows:

When certain contracts shall be void as against judgment creditors.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in every contract for the conditional sale of goods and chattels hereafter made, which shall be accompanied by an actual delivery and be followed by an actual and continued change of possession of the things contracted to be sold, all conditions and reservations which provide that the ownership of such goods and chattels is to remain in the person so contracting to sell the same, or other person than the one so contracting to buy them, until said goods and chattels are paid for, or until the occurring of any future event or contingency, shall be absolutely void as against the judgment creditors of the person so contracting to buy the same, and subsequent purchasers and mortgagees thereof in good faith, and as to them the sale shall be deemed absolute, unless such contract for sale with such conditions and reservations therein be recorded as directed in the succeeding section of this act.

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

Approved March 14, 1895.

CHAPTER CXLV.

An Act concerning fire districts formed under the provisions of an act entitled "An act to provide means for protection against fires in townships," approved March tenth, one thousand eight hundred and seventy-nine.

When part of a township is set off, fire districts shall be abolished.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever the territory included within the bounds of any fire district in this state formed under the provisions of an act entitled "An act to provide means for protection against fires in townships," approved March tenth, one thousand eight hundred and seventy-nine, shall have been heretofore or be hereafter divided and formed into or made parts of two or more new municipalities, and no part of such district remain in the township of which such district when originally formed was a part, such fire district shall be and is hereby abolished, and the terms of office of the commissioners thereof terminated.

Governing bodies of new municipalities shall divide public property.

2. *And be it enacted*, That the governing bodies of such new municipalities and the treasurer or person having the custody of the funds and securities of such fire district shall meet at a convenient place to be designated by the clerk of either of such new municipalities upon ten days' notice mailed to or served personally upon each of the members of such governing bodies and such treasurer or custodian, and shall then and there proceed to allot and divide between or among the said municipalities all property, real and personal, money on hand, due or to become due, in proportion to the aggregate value of the buildings and contents which each shall take from the limits of such fire district at the last assessment, raising money for said fire distrct, the result of which allotment and division shall be reduced to writing and show the amount of the funds

on hand to be paid and transferred by said treasurer or custodian or said fire district commissioner to each of said governing bodies and be signed by a majority of the members of said governing bodies present, and the inhabitants of said respective municipalities shall be liable to pay their proportion of the debts of said fire district, if any there be, and a majority of the persons comprising the said governing bodies shall constitute a quorum, and may proceed to make the said division, and their decision shall be final and conclusive; it shall be lawful to adjourn said meeting to such time or times and place or places, within either of such municipalities, as a majority of those present may deem proper; the amount to be paid or the property to be transferred to each municipality being ascertained as aforesaid, it shall be the duty of the said treasurer or custodian and said fire district commissioners to forthwith pay and transfer said funds to the treasurer or custodian of the funds of said municipalities in the manner ascertained and directed.

Shall each be liable for proportion of debts.

Word "municipality" defined.

3. *And be it enacted*, That the word "municipality" as used in this act shall be construed to include township, borough, borough commission, town or city.

Repealer.

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

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

Approved March 14, 1895.

CHAPTER CXLVI.

An Act to provide for the repaving, repairing and improving of paved streets, and reconstruction of sewers in cities of this state.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful

in any city of this state for the board having charge and control of the finances thereof to appropriate and set apart annually, with the consent of the mayor, for the period of five years from the date hereof, out of the license fees received in such city for licenses to sell spirituous or malt liquors, one-half thereof for the repaving, repairing and improving of paved streets and the reconstruction of sewers in such city, and said moneys so appropriated shall be disbursed, applied and expended for such purposes exclusively by the board or department of such city charged with the duty of paving and repairing streets and the reconstruction of sewers, and by no other board and authority, nor for any other purpose whatever. License fees shall be appropriated for improvement of streets and construction of sewers.

2. *And be it enacted*, That the said board or department of such city may, by unanimous vote, at any time, out of said funds when so set aside, cause any part of a main thoroughfare in such city to be improved or paved, or both, although the same may not have theretofore been paved. Street board may pave and improve main thoroughfare.

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

Approved March 14, 1895.

CHAPTER CXLVII.

A Further Supplement to an act entitled "An act relative to the Monmouth battle monument," approved March fourteenth, one thousand eight hundred and eighty-one.

WHEREAS, "The Monmouth Battle Monument Association," a corporation under the laws of this state, did, in conformity to the provisions of the act to which this is a supplement, con- Preamble

vey to the state of New Jersey the tract of land in the county of Monmouth known as "Monument Park," containing over three acres; *and whereas*, a monument to commemorate the battle of Monmouth has been erected on said land by the joint contributions of the people and the state and United States governments, under the supervision of the commission created by said act; *and whereas*, on the fifteenth day of August, one thousand eight hundred and ninety-four, the said monument was damaged by lightning to such an extent that it will be necessary to remove the statue now surmounting said monument and replace it with a new statue, at an expense of at least three thousand five hundred dollars; *and whereas*, one of the chief inducements to the appropriation of the sum of twenty thousand dollars heretofore made by the United States toward the erection of said monument was the fact that the title to the site thereof was in the State of New Jersey, which fact was considered a guarantee that the site and the monument would be continually cared for; therefore,

Amount appropriated.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That out of the moneys in the treasury of this state there be hereby appropriated the sum of three thousand five hundred dollars, to be paid as hereinafter specified, towards the repairing of the said monument.

Treasurer authorized to pay.

2. *And be it enacted*, That the treasurer of this state shall, on the warrant of the comptroller, pay to the president of said commission the moneys hereby appropriated, to be used by said commissioners created by the act to which this is a supplement, in replacing the present statue surmounting said monument with a new one of similar design and quality, and in making all other necessary repairs to said monument.

Commission shall make report.

3. *And be it enacted*, That as soon as the repairs to said monument as aforesaid shall have been finished, said commission shall make to the governor a report and detailed account of the expenditures in making such repairs, who shall lay the same before the legislature at the next session thereafter.

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

Approved March 14, 1895.

CHAPTER CXLVIII.

An Act to prevent trespassing with guns.

Damages may be awarded against trespassers after notice posted.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That any person trespassing on any lands, carrying a gun, after public notice on the part of the owner, occupant, lessee or licensee thereof, forbidding such trespassing, such notice being posted conspicuously adjacent to the highway binding on said lands, or adjacent to any usual entranceway to said lands, shall be deemed guilty of trespass at the suit of such owner, occupant, lessee or licensee, and in an action of trespass or tort (which action shall be conducted in all respects as actions of trespass or tort are usually conducted) the damages awarded for any such trespass shall be not less than ten dollars.

And after being forbidden.

2. *And be it enacted*, That any person trespassing on any lands, carrying a gun, after being forbidden so to trespass by the owner, occupant, lessee or licensee thereof, shall be deemed guilty of trespass at the suit of such owner, occupant, lessee or licensee, and in an action of trespass or tort (which action shall be conducted in all respects as actions of trespass or tort are usually conducted) the damages awarded for any such trespass shall not be less than ten dollars.

May be treated as disorderly persons and arrested without warrant.

3. *And be it enacted*, That any person or persons found trespassing, as provided in the first and second sections of this act, shall be deemed and adjudged to be disorderly, and in addition to the remedies therein provided for it shall be lawful for the owner or owners of the said lands, or the occupant or occupants, lessee or lessees or licensees thereof, or any constable or constables, to apprehend, without warrant or process, any

such disorderly person or persons, and to take him or them before any justice of the peace of the county where apprehended; and it shall be the duty of the said justice, in a summary manner, to hear and determine the guilt or innocence of such person or persons, and upon conviction, to impose upon the offender or offenders, and each of them so convicted, a fine of five dollars, besides the costs of prosecution; and if any person or persons so convicted shall fail to pay such fines and costs, the said justice shall commit such offender or offenders to the common jail of the county for a period of not less than five nor more than ten days.

Case shall be heard summarily.

Penalty.

A misdemeanor to remove, deface or alter notices posted.

4. *And be it enacted*, That any person or persons who shall wilfully or maliciously remove, deface or alter any notice posted, as contemplated in the first section of this act, with the intent to destroy such notice, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine not exceeding twenty dollars or imprisonment in the county jail not exceeding thirty days, or both.

Penalty.

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

Approved March 14, 1895.

CHAPTER CXLIX.

An Act relative to the construction of school buildings in cities of the first class in this state.

Board of finance may issue bonds.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall and may be lawful for the board having charge and control of the finances in any city of the first class of this state, upon the request of the board thereof charged with the erection and construction of school building therein, to issue bonds of such city in an amount not exceeding two hundred and fifty thousand dollars; said bonds to

Amount and rate of interest limited.

run for not exceeding six years, and to be sold for not less than par and accrued interest; said bonds shall bear interest at a rate not exceeding five per centum per annum, payable semi-annually.

Proceeds to be at disposal of board of construction.

2. *And be it enacted*, That the proceeds derived from the sale of such bonds shall be placed by such financial board at the disposal of the board charged with the erection and construction of school buildings in any such city for the purpose of purchasing lands and erect-thereon school buildings in such city at such times as said last-mentioned board may determine.

Moneys now appropriated for same purpose shall be set aside for a sinking fund.

3. *And be it enacted*, That all of the moneys now devoted law in any such city for the construction and furnishing of buildings for public school department thereof shall be set aside annually and appropriated for the payment of the interest upon such bonds as the same fall due, and to the extinguishment thereof upon maturity, or at any time during their term.

Money so raised may be used for re-construction and alteration.

4. *And be it enacted*, That so much of the moneys to be raised hereinbefore mentioned as may be required may be used, in the discretion of the board having charge and control of the erection of school buildings in such city, for the reconstruction and alteration of any buildings used for school purposes in such city, whenever the board of education in such city shall certify to said board having charge and control of the construction of schools therein when said school buildings should be reconstructed, and not otherwise.

Where this act shall not apply.

5. *And be it enacted*, That this act shall not apply to any city where no portion of the money derived from licenses for the sale of liquor is appropriated by law for school purposes.

Repealer.

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

Approved March 14, 1895.

CHAPTER CL.

Further Supplement to an act entitled "An act regulating the expenses for the observance of decoration day," approved April twenty-eighth, one thousand eight hundred and eighty-six.

Governing body may make appropriation.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the township committee, board of finance, or other governing body of any township, town or borough in this state having control of the finances of said township, town or borough, are hereby empowered to appropriate a sum not exceeding one hundred dollars for the observance of decoration day, said appropriation to be paid by the

Disbursing officer shall pay.

disbursing officer of such municipality to the grand army post having jurisdiction over the territory of such township, town or borough.

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

Approved March 14, 1895.

CHAPTER CLI.

An Act to authorize the codification of the ordinances of the cities of this state.

Legislative body may codify ordinances.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the board of aldermen, common council or other legislative body of any city may codify the ordinances of the city, and the said ordinances when printed in book form and certified

as true copies of the original ordinances of the city by the city counsel or city attorney of such city, and approved by the mayor, shall be received in all courts as evidence as fully as if the original ordinances were produced and offered in evidence.

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

Approved March 14, 1895.

CHAPTER CLII.

An Act concerning wards and district lines in cities of this state, and for the formation of new wards.

Legislative body may divide city into wards and change lines and boundaries.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the common council, board of aldermen or other legislative body of any city of this state shall have power by ordinance to divide said city up into wards and to change the lines and boundaries of the present wards and aldermanic districts therein, and to increase the number of wards therein; *provided*, that the number of wards shall not exceed sixteen in any city; *and provided further*, that a majority of all the members of said legislative body shall agree to the passage of said ordinance, and the same shall be approved by the mayor of said city.

Proviso.

Proviso.

Incumbents shall continue in office till others are appointed or elected.

2. *And be it enacted*, That all officers elected or appointed for existing wards or aldermanic districts in any city wherein the ward or aldermanic district lines are changed, and new wards created, as herein provided, shall continne in office until their respective terms of office shall have expired, and until others are duly appointed or elected to take their places, and that hereafter such number of officers shall be elected or appointed from the new wards as may be elected, or appointed, from the wards now existing; and vacancies therein may be filled in the manner now provided by law for filling vacancies.

New wards shall be divided into election districts.

3. *And be it enacted*, That when new wards are created in any city, as herein provided, it shall be the duty of the common council or board of aldermen of such city to divide the new wards into election districts or precincts, which said precincts, so far as practicable, shall be so constituted as not to contain over six hundred voters.

The term "ward" defined.

4. *And be it enacted*, That the term wards, as used in this act, shall include all divisions of cities known as aldermanic districts, and that hereafter all such aldermanic districts shall be known and designated as wards.

Repealer.

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

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

Approved March 14, 1895.

CHAPTER CLIII.

An Act to amend an act entitled "An act concerning cities," approved March twenty-third, one thousand eight hundred and eighty-three.

Section to be amended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section one of an act entitled "An act concerning cities," approved March twenty-third, one thousand eight hundred and eighty-three, and which section reads as follows:

"1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the common council or other legislative body of the several cities of the third class be and they are hereby authorized to elect a city attorney, who shall be a counselor-at-law, and shall hold his office for the term of three years, and until his successor shall be duly appointed and quali-

fied; he shall perform such service and receive such compensation as the common council or other legislative body shall by ordinance prescribe; *provided, however*, that this act shall not apply to any city wherein a like officer is provided for in its act of incorporation," be amended so that the same shall read as follows:

City attorney shall be an attorney-at-law.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the common council or other legislative body of the several cities of the third class be and they are hereby authorized to elect a city attorney, who shall be an attorney-at-law of at least two years' standing at the bar, and shall hold his office for the term of three years, and until his successor shall be duly appointed and qualified; he shall perform such service and receive such compensation as the common council or other legislative body shall by ordinance prescribe; *provided, however*, that this act shall not apply to any city wherein a like officer is provided for in its act of incorporation, or is elected by a vote of the people or appointed by the mayor, subject to confirmation by the common council of said city.

Term of office and compensation.

Proviso.

Repealer.

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

Approved March 14, 1895.

CHAPTER CLIV.

A Supplement to an act entitled "An act to secure to mechanics and others payment for their labor and materials in erecting any building" [Revision], approved March twenty-seventh, one thousand eight hundred and seventy-four.

Section to be amended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section two of

the act to which this is a supplement be and the same hereby is amended to read as follows:

Land and building shall be liable to contractor.

2. *And be it enacted*, That whenever any building shall be erected in whole or in part by contract in writing, such building and the land whereon it stands shall be liable to the contractor alone for work done or materials furnished in pursuance of such contract; *provided*, said contract or a duplicate thereof, together with the specifications accompanying the same or a copy or copies thereof, be filed in the office of the clerk of the county in which such building is situate before such work done or materials furnished.

Proviso.

Section 3 to be amended

2. *And be it enacted*, That section three of the act to which this is a supplement be and the same hereby is amended to read as follows:

3. *And be it enacted*, That whenever any master-workman or contractor shall, upon demand, refuse to pay any person who may have furnished materials used in the erection of any such house or other building, or any journeyman or laborer employed by him in the erecting or constructing any building, the money or wages due to him, it shall be the duty of such journeyman or laborer or materialman to give notice in writing to the owner or owners of such building of such refusal, and of the amount due to him or them and so demanded, and the owner or owners of such building shall thereupon be authorized to retain the amount so due and claimed by any such journeyman, laborer or materialman out of the amount owing by him or them to such master-workman or contractor, or that may thereafter become due from him or them to such master-workman or contractor for labor or materials used in the erection of such building, giving him written notice of such notice and demand; and if the same be not paid or settled by said master-workman or contractor, such owner or owners on being satisfied of the correctness of said demand shall pay the same, and the receipt of such journeyman, laborer or materialman for the same shall entitle such owner or owners to an allowance therefor in the settlement of accounts between him and such master-workman or contractor as so much paid on account.

Journeyman, laborer or materialman shall give notice of amount due him.

Owners shall have allowance for amounts paid.

3. *And be it enacted*, That when a notice or notices shall be served upon such owner or owners by any journeyman, laborer or materialman, under the third section of the act to which this is a supplement, and notice thereof shall have been given by such owner or owners to the master-workman or contractor as required by said section, and said master-workman or contractor shall, within five days after receiving the notice aforesaid, notify in writing the journeyman, laborer or person who has furnished materials that he disputes his or their claim and requests him or them to establish the same by judgment, the owner shall not pay the claim until it is so established; *provided*, the master-workman or contractor shall notify him in writing that he has given the aforesaid notice to said journeyman, laborer or materialman.

Proceedings when owner disputes claim.

Proviso.

4. *And be it enacted*, That section thirteen of the act to which this is a supplement be and the same hereby is amended to read as follows:

Section to be amended.

13. *And be it enacted*, That no debt shall be a lien by virtue of this act unless a claim is filed as hereinbefore provided within four months from the date of the last work done or materials furnished for which such debt is due; nor shall any lien be enforced by virtue of this act unless the summons in the suit for that purpose shall be issued within ninety days from the date of the last work done or materials furnished in such claim; and the time of issuing such summons shall be endorsed on the claim by the clerk upon the sealing thereof, and if no such entry be made within four months from such last date, or if such claimant shall fail to prosecute his claim diligently within one year from the date of the issuing of such summons or such further time as the court may by order direct, such lien shall be discharged; *provided*, that the time in which such lien may be enforced by summons may be extended for any further period, not exceeding four months, by a written agreement for that purpose, signed by said land owner and said claimant and annexed to said claim on file before such time herein limited therefor shall have expired, in which case the county clerk shall enter the word "extended" on the margin of the lien docket

Proceedings necessary to make debt a lien.

Proviso.

opposite such claim, and any claimant upon receiving written notice from the owner of the lands or building requiring him to commence suit on such claim within thirty days from the receipt of such notice, shall only enforce such lien by suit to be commenced within said thirty days.

When owner shall be liable notwithstanding payments made.

5. *And be it enacted*, That if the owner or owners of any building or other property which, by the act to which this is a supplement or the various supplements and amendments thereto, is made the subject of liens for or toward the construction, altering, repair or improvement of which labor or services have been performed or materials furnished by contract, duly filed, shall, for the purpose of avoiding the provisions of the act to which this is a supplement, or the various supplements and amendments thereto, or in advance of the terms of such contract, pay any money or other valuable thing on such contract, and the amount still due to the contractor, after such payment has been made, shall be insufficient to satisfy the notices served in conformity with the provisions of the act to which this is a supplement, or the various supplements or amendments thereto, such owner or owners shall be liable in the the same manner as if no such payment had been made.

Mortgages shall have priority.

6. *And be it enacted*, That every mortgage upon lands in this state shall have priority over any claim which may be filed in pursuance of the act to which this is a supplement, or the various supplements or amendments thereto, to the extent of the money actually advanced and paid by the mortgagee and applied to the erection of any new building upon the mortgaged lands or any alterations, repairs or additions to any building on said lands, provided such mortgage be recorded or registered before the filing of any such claim.

Journeymen and laborers shall have priority over contractors and materialmen.

7. *And be it enacted*, That in all cases journeymen or laborers shall have priority and preference over any employers of labor, contractors or materialmen for the payment of wages, without reference to the date when said journeymen or laborers shall have filed the lien or served the notices provided for in the act to which this

act is a supplement or the several supplements or amendments thereto.

Supplement repealed.

8. *And be it enacted*, That chapter two hundred and ninety-two of the laws of one thousand eight hundred and ninety, entitled "A supplement to an act entitled 'An act to secure to mechanics and others payment for their labor and materials in erecting any building,' approved March twenty-seventh, in the year of our Lord one thousand eight hundred and seventy-four," which supplement was approved June nineteenth, one thousand eight hundred and ninety, be and the same is hereby repealed.

Supplement repealed.

9. *And be it enacted*, That an act entitled "An act to amend an act entitled 'A supplement to an act entitled "An act to secure to mechanics and others payment for their labor and materials in erecting any building," approved March twenty-seventh, in the year of our Lord one thousand eight hundred and seventy-four,' which supplement was approved June nineteenth, one thousand eight hundred and ninety," and which amendatory act was approved March twenty-ninth, one thousand eight hundred and ninety-two, be and the same is hereby repealed.

Repealer.

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

Approved March 14, 1895.

CHAPTER CLV.

An Act regarding honorably-discharged union soldiers, sailors and marines.

Veterans of the war shall not be removed from office or position except for cause.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That no person now holding a position or office under the government of this state, or the government of any city or county of

this state, or who may hereafter be appointed to any such position whose term of office is not now fixed by law, and receiving a salary from such city, county or the state, who is an honorably-discharged union soldier, sailor or marine, having served in the war of the rebellion, shall be removed from such position or office except for good cause shown, after a fair and impartial hearing, but such honorably-discharged union soldier, sailor or marine shall hold his position or office during good behavior, and shall not be removed for political reasons.

And after charges made and a hearing given.

2. *And be it enacted*, That before any honorably-discharged union soldier, sailor or marine shall be dismissed from any position or office held by him in any department of the government of this state, or of any department of the government of any county or city of this state, charges shall be preferred against him, a copy of which must be served upon him, and a time set for the hearing of the same, at which the honorably-discharged union soldier, sailor or marine so accused shall have the right to be represented by counsel, if he so elect, and to produce witnesses and testimony in his own behalf.

Governing body shall not abolish office nor decrease salary in order to oust veterans.

3. *And be it enacted*, That it shall not be lawful for any board of commissioners, mayor, aldermen, common council or other governing body in any municipality in this state, or of any county in this state, or of any department of the state government, to abolish any position or office held by any honorably-discharged union soldier, sailor or marine, or to change the title of any such office or position, or reduce the emoluments thereof for the purpose of terminating the service of any such employee.

Repealer.

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

Approved March 14, 1895.

CHAPTER CLVIII.

A Supplement to an act entitled "An act for the preservation of clams and oysters," approved April fourteenth, one thousand eight hundred and forty-six.

Misdemeanor to take oysters from a staked up bed without permission.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That any person who shall hereafter dredge upon, or shall throw or cast his oyster dredge or any other instrument used for the purpose of catching oysters upon any oyster-bed duly staked up within or under any of the waters of this state, belonging to or in the possession of any other person or persons, without the permission of the owner or holder of such oyster-bed, shall be deemed guilty of a misdemeanor, and upon conviction shall be punished by a fine not exceeding five hundred dollars, or by imprisonment for any term not exceeding two years, or both; and any boat or vessel used or employed in the commission of such offense, with all her furniture, tackle and apparel, and all oysters on board thereof, shall be forfeited, and the same seized, secured and sold in the manner prescribed in the act entitled "An act for the preservation of clams and oysters," approved April fourteenth, one thousand eight hundred and forty-six, and the supplements thereto, and the proceeds of such sale, after deducting all expenses, shall be paid to the collector of the oyster fund of the Maurice river cove and Delaware bay oyster association.

Penalty

A misdemeanor to take planted oysters without permission.

2. *And be it enacted*, That any person who shall hereafter dredge for, or shall catch or take, or attempt to catch or take, any oysters planted in or under any of the waters of this state, the location of which planted oysters is indicated by stakes or buoys, without the permission of the owner of such planted oysters, shall be deemed guilty of a misdemeanor, and upon conviction shall be punished by a fine not exceeding five hundred

Penalty.

dollars, or by imprisonment for any term not exceeding two years, or both; and any boat or vessel used or employed in the commission of such offense, with all her furniture, tackle and apparel, and all oysters on board thereof, shall be forfeited, and the same seized, secured and sold in the manner prescribed in the act entitled "An act for the preservation of clams and oysters," approved April fourteenth, one thousand eight hundred and forty-six, and the supplements thereto, and the proceeds of such sale, after deducting all expenses, shall be paid to the collector of the oyster fund of the Maurice river cove and the Delaware bay oyster association.

No exclusive right to natural oyster beds granted.

3. *And be it enacted*, That nothing in this act contained shall give to any person or persons the right or privilege, nor shall it confirm any supposed right or privilege, to stake up, take, have, hold, use, occupy, possess or enjoy any exclusive right in or to any natural oyster-bed or ground.

Repealer.

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

Approved March 14, 1895.

CHAPTER CLIX.

An Act to provide for the payment of expenses incurred by order of the supreme court.

Comptroller shall countersign and treasurer shall pay when directed by the court.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever any item of expense has been incurred by order of the supreme court in the execution of its duties, the payment of which is not otherwise provided for by law, the same shall, when so directed by the order of said court, be paid by the state treasurer, which order shall be countersigned by the comptroller when attested by the justice of said court presiding therein at the time said order is made.

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

Approved March 14, 1895.

CHAPTER CLX.

An Act concerning the qualification of commissioners appointed to assess benefits conferred by the construction of sewers and drains in certain cases.

Ownership in certain cases shall not disqualify.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in all cases where the benefits conferred by the construction of any sewer or drain shall extend beyond the line of such sewer or drain, no commissioner appointed to assess the benefits conferred by the construction of any such sewer or drain shall be disqualified because of his being interested as owner in any lands situate beyond the line of such sewer or drain, but included within the area or district benefited thereby.

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

Approved March 14, 1895.

CHAPTER CLXI.

An Act for the incorporation of park trustees.

Trustees may be incorporated.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever a tract of land has heretofore been or may hereafter be conveyed to any persons in trust for use as a public park,

and such park has been opened and established, it shall and may be lawful for such persons to become incorporated as hereinafter provided, and have, possess and enjoy all the powers and privileges which now are or may hereafter be granted to corporations as such by law; such persons so desiring to become incorporated shall make a certificate in writing under their hands and seals, which shall be filed and recorded with the clerk of the county wherein said park is situate; said certificate shall recite that the persons making the same are trustees, maintaining a public park, and the municipality, township or other place where the same is situated and maintained, and that they desire to become incorporated under a name to be therein stated, which shall thereafter be the corporate name of the said corporation, and upon the filing and recording of said certificate, said trustees shall be and become a body politic and corporate in the law as aforesaid, and thereafter shall have and hold any property, real and personal, belonging to said trustees, as the property of said corporation; *provided, however*, that said corporation shall be subject to the same limitations and restrictions as the trustees are subjected to, as to the management of the trust, in and by virtue of the instrument creating them such trustees; membership in such corporation shall be created as provided by the by-laws of such corporations.

Proceedings to incorporate trustees.

Proviso.

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

Approved March 14, 1895.

CHAPTER CLXII.

An Act to abolish the inferior courts of common pleas, courts of oyer and terminer and general jail delivery and courts of general quarter sessions of the peace, and to establish in their place a county court in each of the counties of this state, and to provide for and define the jurisdiction, powers and duties of such county courts.

Certain courts abolished.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the inferior courts of common pleas, courts of oyer and terminer and general jail delivery and courts of general quarter sessions of the peace in the several counties of this state, be and the same are hereby abolished, and that a county court be and the same is hereby established in each of the counties of this state, to be known and designated as the (name of county) county court, and which shall be a court of record, with the jurisdiction, powers and duties hereinafter stated and defined, and the common seal of the county shall be the seal of the county court therein.

County courts established.

Judge shall be elected by the legal voters.

2. *And be it enacted*, That the legal voters of each of the counties in this state having a population exceeding forty-seven thousand inhabitants, according to the census of the year one thousand eight hundred and ninety, shall, at the next election for members of the general assembly, elect one judge to hold the county courts hereby established therein; that said voters of each of the other counties in this state shall jointly elect judges to hold said county courts therein as follows, namely, said voters of Atlantic and Ocean counties shall elect one judge; said voters of Gloucester and Salem counties shall elect one judge; said voters of Cumberland and Cape May counties shall elect one

Counties which shall elect jointly.

judge; said voters of Hunterdon and Somerset counties shall elect one judge; and said voters of Sussex and Warren counties shall elect one judge.

Qualification and term of judges.

3. *And be it enacted*, That said judges shall be elected from among the qualified voters of the county or counties in and for which they are elected respectively; they shall be members of the bar of this state, and shall be commissioned by the governor, and hold office for the term of five years from and after the first day of December next; their successors shall be elected for terms of five years at the election for members of the general assembly held next before the expiration of each term, and in case any vacancy shall occur more than thirty days preceding any such election, the governor shall appoint and commission a judge qualified as aforesaid, to hold office until the first day of December following such appointment, and if any vacancy shall occur within such period of thirty days, such appointment and commission shall expire on the first day of December in the year next following, and the successors of the judges so appointed shall be elected at the election for members of the general assembly next preceding the expiration of the term for which they shall have been appointed; each judge, before entering upon the duties of his office, shall take and subscribe an oath to support the constitution of the state of New Jersey and of the United States, and to faithfully and impartially perform all his official duties as such judge, according to the best of his ability and understanding; which oath shall be administered by a justice of the supreme court, and filed in the office of the secretary of state; and no judge elected or appointed under this act shall be allowed to practice in any of the courts of the county or counties in which he is elected or for which he may be appointed.

Governor shall fill temporary vacancies.

Judge shall qualify before entering upon his duties.

Salary to be allowed.

4. *And be it enacted*, That the annual salary of the judges elected in counties containing more than two hundred thousand inhabitants according to the then next preceding state or national census, shall be seven thousand and five hundred dollars; the annual salary of each of the other judges of said county courts shall be as follows, namely, judges elected in counties having

between one hundred thousand and two hundred thousand inhabitants, according to such census, shall receive the sum of five thousand and five hundred dollars; in counties having between eighty thousand and one hundred thousand inhabitants, according to such census, five thousand dollars; in counties having between seventy thousand and eighty thousand inhabitants, according to such census, four thousand and five hundred dollars; and in counties having between forty-seven and seventy thousand inhabitants, according to such census, four thousand dollars; and judges elected by the voters of two counties jointly shall be paid at the same rate, according to the aggregate population of the counties in which they shall be elected, and each of such counties shall pay in proportion to the number of its inhabitants according to such census; *provided*, that the judges elected in two counties when the aggregate population thereof according to such census is not more than forty-seven thousand, shall be paid the sum of three thousand dollars annually; such salaries shall be paid by the collector or treasurer of the respective counties in equal monthly payments, and shall be in lieu of all fees and other compensation whatsoever, and shall not be changed during the term for which any judge shall have been elected or appointed; and all fees which are now by law divided among or paid to the judges or to any judge of any of the courts hereby abolished, shall not hereafter be taxed or collected.

Proviso.

5. *And be it enacted*, That the justices of the supreme court of this state, together with the judges to be elected or appointed in pursuance of this act, shall be judges of the county courts, and any county court may be held by any justice of the supreme court or by any judge of any of the county courts or by any such justice and judge sitting together; the clerks of the several counties shall be clerks of the county courts therein, respectively, and shall be entitled to the same fees as have been payable heretofore for similar services; and the sheriffs, coroners, elisors and constables of the several counties of this state, for the time being, shall be the ministerial officers of the county courts held within their respective counties, and shall execute all

How court shall be constituted.

writs, orders and processes issuing out of said courts and to them directed and delivered, and make true return thereof according to the command of the same, and they shall be entitled to the same fees as heretofore for similar services.

Powers and jurdiction of the court defined.

6. *And be it enacted*, That the county courts in the several counties in the state shall have jurisdiction and cognizance of all crimes, misdemeanors and offenses whatsoever which by the laws of this state are or shall be of an indictable or presentable nature, and which have been or shall be committed, done or attempted within the counties respectively, and of causes of civil and penal action arising therein; and the said county courts shall have, and they and each of them are hereby invested with and may exercise all the jurisdiction, powers and authority heretofore conferred upon or lawfully exercised by any and all of the courts mentioned in the first section of this act; both by way of original jurisdiction and on appeal; and for the purpose of properly hearing and determining the matters and causes of action committed to said county courts in and by this act, and to facilitate the administration by said courts of the laws applicable to such matters and causes of action, it shall be lawful for said courts to proceed in the manner and according to the methods, rules and practice heretofore provided, established and prevailing in any of the courts hereby abolished until such methods of practice shall be changed by rules, as provided in this act or otherwise, according to law; and all proceedings and acts had and taken before such county courts shall be of the same validity, force and effect as if the same were had and taken prior to the passage of this act before the several courts of oyer and terminer and general jail delivery and general quarter sessions of the peace, and courts of common pleas in the several counties of this state; and every judge of a county court shall have and may exercise all the rights and powers which have heretofore been vested in or exercised by any judge or law judge or president or presiding judge or by the judges of any of said courts acting or sitting together, and shall perform all the duties heretofore imposed on or required of any such judge or judges;

provided, that a justice of the supreme court shall preside at the trial of any presentment or indictment for a crime punishable by death. Proviso.

7. *And be it enacted*, That whenever any person shall be charged upon oath or affirmation with any offense cognizable before such county courts, and the person so charged shall, in writing signed by him or her, and addressed to the prosecutor of the pleas of the county, waive indictment and trial by jury and request to be tried immediately before the county court of the county in which it is charged that such offense was committed, it shall be the duty of the prosecutor to apply to the judge of the county court of such county to appoint a special session of such court for the purpose of trying such person, and such judge is hereby authorized to appoint such session and try the person so charged for such offense. Proceedings in case of waiver of indictment.

8. *And be it enacted*, That all proceedings of whatever kind that shall have been commenced before the first Monday of December next in any of the courts abolished by this act shall, on said Monday of December, be transferred to and continued in the county courts of the respective counties in which such proceeding shall have been commenced, and shall be proceeded with as if commenced originally in the county courts; and all suits and proceedings that shall have been commenced, and all orders and judgments that shall have been made or entered in any of the courts hereby abolished prior to the said Monday of December next, shall be continued and enforced by said county courts as if originally made or entered therein; and all records of said courts hereby abolished, and all papers and documents on file in the offices of the clerks thereof relating to said courts or to proceedings therein, shall, on and after said Monday of December, be taken, treated and regarded as records of the county courts respectively, and the same or copies thereof may be certified or exemplified by the judges and clerks of said courts respectively in the manner provided or required by law. Cases pending transferred to county courts. Records, papers, etc., of courts abolished to be regarded as of the county court

9. *And be it enacted*, That the judges of the county courts respectively may adopt and settle rules of prac- County court judges may adopt rules

tice in all matters not regulated by statute for the government of said county courts and of proceedings therein, and may, from time to time, alter, repeal and modify the same as occasion may require.

When terms shall begin.

10. *And be it enacted*, That the terms of the county courts shall begin in each county at the time and place of beginning the terms of the circuit courts therein, and they may adjourn from time to time and hold special terms when deemed necessary; all writs and processes issuing out of any county court shall be tested in the name of the judge thereof, or in the name of a judge authorized to hold such court; and it shall be lawful for said county courts, in their discretion at any time when the general panel of jurors shall not be in attendance, to issue a special venire to summon a jury for the trial of any cause that may be pending therein on the application of either or any party thereto.

Writs and processes—how tested.

Court may issue special venire.

Judgment may be removed to supreme court.

11. *And be it enacted*, That any final judgment of a county court may be removed into the supreme court by writ of error or certiorari in the same manner as final judgments of the courts of common pleas, courts of oyer and terminer and general jail delivery, and general quarter sessions of the peace have heretofore been removed.

Repealer.

12. *And be it enacted*, That all acts and parts of acts, general, special or local, inconsistent with the provisions of this act, be and the same are hereby repealed; *provided*, that the several courts mentioned in the first section of this act shall continue to exist and exercise their jurisdiction and powers as heretofore until the first Monday of December next.

Proviso.

Passed March 14, 1895.

CHAPTER CLXIII.

A Further Supplement to an act entitled "An act respecting the orphans' court and relating to the powers and duties of the ordinary and the orphans' court and surrogates."

Section to be amended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section one of the act entitled "An act respecting the orphans' court and relating to the powers and duties of the ordinary and the orphans' court and surrogates" [Revision], approved March twenty-seventh, one thousand eight hundred and seventy-four, be and the same is hereby amended so as to read as follows:

County court judges constituted judges of the orphans' courts.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the judges of the county courts of the respective counties of this state shall be and they are hereby constituted judges of the orphans' court heretofore established therein, and each judge of the county courts may hold the orphans' court in any county.

But shall receive no salary or fees for services therein.

2. *And be it enacted*, That the judges of the orphans' court respectively shall not be entitled to demand or receive any fees, compensation or salary for services rendered by them as judges of said courts in addition to the salaries to which they shall be entitled respectively as judges of said county courts, and no fees or costs shall be hereafter taxed or collected for any such services.

Court may adopt and use seal.

3. *And be it enacted*, That the orphans' courts in the several counties of this state may each adopt and use an official seal.

Repealer.

4. *And be it enacted*, That all acts and parts of acts inconsistent with this act are hereby repealed, and this act shall take effect on the first Monday of December next.

Passed March 14, 1895.

CHAPTER CLXIV.

An Act to enable the city clerk of cities of the first class in this state to designate a clerk in the office of city clerk to act as city clerk.

City clerk may designate a clerk to act temporarily in his stead.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the city clerk of any city of the first class in this state shall be authorized to designate from the clerks in his office a clerk to act as acting city clerk during his absence or disability, which designation shall be made in writing and addressed to the board having the control of finances in said city, which designation shall be operative until the resumption of the work of the office by the city clerk.

Acting clerk may perform all the duties of the clerk.

2. *And be it enacted*, That such acting city clerk shall perform all the duties of the office of city clerk during such absence or disability of the city clerk, which said city clerk shall be responsible for the acts and doings of such clerk so designated as acting city clerk.

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

Approved March 18, 1895.

CHAPTER CLXV.

An Act to authorize the relaying and repair of sidewalks in townships of this state, and to provide for the assessment and collection of the costs and expenses incurred therein.

Township committee may provide for relaying and repairing of sidewalks.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the township committees of the several townships of this state be and they are hereby authorized by ordinance to provide for the relaying and repair of sidewalks in the several townships in this state, in such localities, of such width and material and of such length as they may deem best; that upon the passage of such ordinance by any township committee it shall be the duty of the township clerk to notify, in writing, the owner or owners of all lands adjacent to such proposed improvement of the adoption of such ordinance, and requiring such owner or owners to make or cause to be made, under the supervision of said town committees, the improvement therein and thereby provided for in front of their said lands respectively within thirty days after service of such notice, and that, in default thereof, such improvement will be made by said township committee at the expense of such owner or owners; such notice shall be served personally upon such property owner or owners when he, she or they reside within the township where such improvement is proposed, or by leaving the same at his or her residence with some member of his or her family above the age of fourteen years; but when such owner or owners reside without the limits of said township, such notice shall be served either personally or by mailing the same to such owner or owners at his, her or their proper post-office address, if the same can be ascertained, but if the same cannot be ascertained after due inquiry, then such notice may be

Clerk shall notify owners.

When owners cannot be found notice may be published in a newspaper.

given by publishing the same once a week for at least two weeks in some newspaper published in said township, if any; or if no newspaper shall be published in said township, then by publishing the same in some newspaper published in the county in which said township lies, and circulating therein, for the same period in the same manner.

When owners default township committee shall make improvement.

2. *And be it enacted*, That in default of any property owner or owners making such improvement within thirty days after being notified as aforesaid, the said township committee shall and may without delay proceed to relay or repair said sidewalk, make or cause the same to be relaid or repaired in front of the property of such owner or owners, and shall pay the costs and expenses of the same to the person or persons entitled to receive the same; the said township committee shall cause said work to be done by contract in all cases where the amount of work to be done is estimated to cost more than one hundred dollars, and shall in such case invite bids for said work by public notice given once a week for at least two weeks in some newspaper printed and published in the township, and if there be no such newspaper, then in some newspaper printed and published in the county and circulating in said township; said township is hereby empowered to issue the promissory notes of said township in payment of the cost and expenses of said work.

How the work shall be done.

Bids for contract shall be advertised for.

Township may issue notes in payment.

Lands so improved shall be assessed for costs and expenses thereof.

3. *And be it enacted*, That whenever said work shall be done in whole or in part by any township committee, pursuant to this act, it shall be the duty of said committee to ascertain and determine the costs and expenses of doing such work in front of and adjacent to the lands of any and every owner neglecting or refusing to make such improvement after notice as aforesaid, and thereupon to assess such costs and expenses upon and against the said lands of such owner or owners respectively, and to file such assessment under the hands and seals of said township committee with the clerk of said township.

Clerk shall file assessment and certify same to collector.

4. *And be it enacted*, That it shall be the duty of the township clerk of said township to receive and file said assessment, and within five days thereafter to deliver a

certified copy thereof to the collector of said township; and from and after the filing of said assessment with the clerk of said township said assessment shall be and remain a first and paramount lien upon the lots assessed for the amounts thereon assessed respectively, with interest at six per centum from the time of such filing, and also for all costs and fees thereon until the same shall be paid and satisfied, notwithstanding any devise, descent or alienation thereof, or any judgment, mortgage or incumbrance thereon, and notwithstanding any mistake in the name or names of the owners, or omission to name the owner or owners thereof, and any assessment in which such mistake or omission occurs shall nevertheless be a valid and effectual lien upon the lands assessed.

Assessment shall remain a first lien until paid.

Mistakes in or omission of names shall not invalidate lien

5. *And be it enacted*, That the assessments so imposed shall be collected by the same officer or officers and at the same time and in the same manner that taxes are or may be collected in the township where said improvement is made.

Collector of taxes shall collect assessments.

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

Approved March 18, 1895.

CHAPTER CLXVI.

An Act concerning registrar of vital statistics in cities of the second class in this state.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in all cities of the second class of this state the city clerk shall be registrar of vital statistics; *provided*, *however*, that this act shall not affect any city now having a registrar of vital statistics.

City clerk shall be register.

Proviso.

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

Approved March 18, 1895.

CHAPTER CLXVIII.

An Act relating to life insurance companies doing business in the state of New Jersey, and to the representives of such companies.

Distinction or discrimination forbidden.

1. BE IT ENACTED, *by the Senate and General Assembly of the State of New Jersey*, That no life insurance company doing business in the state of New Jersey shall make or permit any distinction or discrimination in favor of individuals between insurants of the same class and equal expectation of life in the amount or 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; nor shall any such company or any agent, or sub-agent thereof, or any other person, 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 agent or sub-agent thereof, or any other person, directly or indirectly pay or allow, or offer to pay or allow, as inducement to insurance, or after the insurance shall have been effected, any rebate of premium payable on the policy, or any special favor or advantage in the dividends or other benefit to accrue thereon, or any valuable consideration or inducement whatever not specified in the policy contract of insurance.

No agreement shall be made other than is expressed in the policy.

Rebates shall not be allowed.

Penalty.

2. *And be it enacted*, That any person or corporation violating any of the provisions of the preceding section of this act shall, for each and every offense, forfeit and pay the sum of one hundred dollars for every twenty-five hundred dollars of insurance or fraction thereof effected by the said policy contract of insurance; such penalty to be sued for and recovered with costs in an action of debt in any court of competent jurisdiction in

the county where the offense shall have been committed, or in any county wherein such offender may reside or be served with process, by any person who shall sue for the same; one-half of such penalty shall be for the benefit of the person prosecuting the suit, and the other half shall be paid to the state treasurer for the benefit of the school fund of the state; and in case the defendant in any suit shall neglect or refuse to pay the amount recovered against him, it shall be lawful for such court in which such judgment has been obtained to issue its process against the body of the defendant and to cause him to be committed to the jail of the county until the judgment and costs are paid, the imprisonment, however, not to exceed sixty days from the date of such commitment.

Defendant who defaults may be committed to jail.

3. *And be it enacted*, That no agent, sub-agent or other person against whom final judgment may have been recovered under the second section of this act, shall solicit applications for life insurance in this state, or in any way, directly or indirectly, act as the agent of any life insurance company doing business in this state within two years after the recovery of such final judgment; and any person so offending against the provisions of this section of this act shall be adjudged guilty of a misdemeanor, and on being thereof convicted shall be punished by a fine not less than five hundred dollars nor exceeding one thousand dollars, or by imprisonment for any term not less than thirty days nor more than ninety days, or both, at the discretion of the court.

Offenders prohibited from soliciting.

Penalty.

4. *And be it enacted*, That all acts or parts of acts inconsistent herewith are hereby repealed.

Repealer.

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

Approved March 19, 1895.

CHAPTER CLXIX.

An Act to enable cities of the second class in this state to reconstruct old school-houses or to purchase additional land and construct new school-houses thereon to take the place thereof, and to issue bonds of such city for the payment of such expenditures.

Governing body may borrow money to buy land and reconstruct or build new school houses.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That hereafter in any city of the second class in this state where any public school-house shall be in a dilapidated, unsanitary, unsafe or unsatisfactory condition for school purposes, it shall be lawful for the common council, board of aldermen, or other governing body of every such city to borrow money to an amount not exceeding the sum of one hundred thousand dollars for the purchase of additional or other ground as may seem best for school purposes and thereon to reconstruct such school-house, or to build another to use in place thereof, on a larger scale, and with better and more modern appointments.

And issue bonds.

2. *And be it enacted*, That the said common council, board of aldermen or other governing body to secure the payment of the said sum or sums so borrowed may issue bonds of such city not to exceed the said sum of one hundred thousand dollars, payable in not more than twenty years at a rate not to exceed five per centum, pledging the faith and credit of such city for the payment thereof, which bonds shall be sold to the highest bidder at not less than par value, after first having advertised the same for sale in two newspapers of the county for at least two weeks; *provided*, that the purchase of land for all such purposes and the erecting and furnishing and reconstruction of any school-house with the money so borrowed shall be done solely and entirely by the board of education in every such city, and the

Proviso.

money so borrowed shall be placed to the credit of said board of education for the purposes aforesaid.

3. *And be it enacted*, That all acts and parts of acts inconsistent herewith be and the same are hereby repealed. Repealer.

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

Approved March 19, 1895.

CHAPTER CLXX.

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

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the board of education, board of school trustees, or other body having charge and control of the public schools in any school district in this state acting under a special charter, is hereby authorized and empowered, for the purpose of building or enlarging any school-house or houses in said district, to borrow such sum or sums of money as may be necessary for that purpose; *provided*, the legal voters of said district shall have first authorized and determined the amount that may be borrowed for said purpose, by a majority of the votes cast at an annual election or at a special election called by said board or said other body for that purpose; *and provided further*, that the said board or said other body shall have made an estimate of the amount necessary to be borrowed for such purpose, and notice in writing of such estimate shall have been set up by the district clerk in seven of the most public places in said district at least ten days before the time for holding said election. Body having control of public schools may borrow money to build or enlarge school houses. Proviso.

2. *And be it enacted*, That the money borrowed by

Money borrowed shall be secured by bonds.

virtue of this act shall be secured by bonds issued in the corporate name of the said school district, to be known as district school bonds, which bonds shall bear interest at a rate not to exceed five per centum per annum, payable semi-annually; and the said bonds shall and are hereby declared to be the first lien upon the schoolhouse and the lot on which the same is erected, and for the erection, enlarging or repair of which they shall have been issued; that such loan may be paid at such times and in such amounts as said board of education, board of school trustees or other body borrowing money under the provisions of this act may direct; *provided*, that the first payment on any such loan shall become and be payable not later than five years from the date of said loan.

Bonds shall be a first lien.

Proviso.

Limitations of charter shall not apply.

3. *And be it enacted*, That if any charter of any incorporated school district in this state shall limit the amount of the indebtedness that may be incurred or shall limit the amount of tax or the rate of taxation in any incorporated school district, or by its terms prevent the carrying out of the provisions of this act, the said charter shall not hereafter be held to apply to the raising of money under the provisions of this act, any public, local, special or other law to the contrary notwithstanding.

Amount of bonds shall be assessed upon persons and property.

4. *And be it enacted*, That it shall be the duty of the officer or board charged with the raising, levying and assessing of taxes in any school district issuing bonds under the provisions of this act, to assess upon the inhabitants thereof and their estates and the taxable property therein, an amount sufficient to pay the bonds of the said district maturing in such year, together with the interest accruing upon the whole issue of the unpaid bonds of such district, and the tax thus ordered shall be assessed, levied, collected and paid over in the same manner as other taxes for school purposes are assessed, levied, collected and paid in said school district.

Repealer.

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

Approved March 19, 1895.

CHAPTER CLXXI.

A Further Supplement to an act entitled "An act for the better regulation of the proceedings upon writs of mandamus," approved December second, one thousand seven hundred and ninety-four.

Illegality of tax or appropriation may be pleaded in mandamus proceedings.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in all proceedings by mandamus, to enforce the collection or payment of a tax or appropriation, it shall and may be lawful to plead and show as a defense that such tax or appropriation is in whole or in part illegal.

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

Approved March 19, 1895.

CHAPTER CLXXII.

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

Act to be amended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section seventy-three of an act entitled "An act to establish a system of public instruction" [Revision], approved March twenty-seventh, one thousand eight hundred and seventy-four, be and the same is hereby amended so as to read as follows:

73. *And be it enacted*, That it shall be the duty of the

Trustees of school fund shall make annual appropriation.

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

Deficiencies shall be paid by state treasurer.

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

Approved March 19, 1895.

CHAPTER CLXXIII.

An Act to repeal a further 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, said further supplement approved May fourteenth, one thousand eight hundred and ninety-four.

Act repealed.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That an act entitled a further 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, said further supplement approved May fourteenth, one thousand eight hundred and ninety-four, be and the same is hereby repealed and that this act shall take effect immediately.

Approved March 19, 1895.

CHAPTER CLXXIV.

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.

Officers to be elected, terms fixed and duties prescribed.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the legal voters of any village formed under the act to which this is a supplement, out of part of a township, shall, at the annual election for village officers, elect a collector of taxes, an overseer of the poor, and three judicious freeholders, to hear and determine all appeals in cases of taxation, to be known as commissioners of appeal, the said collector and overseer each to hold his office for the term of three years and until his successor shall be qualified, and to give bond to the said village for the faithful performance of his duties, in such sum and sureties as the board of village trustees of such village shall determine, and the said commissioners of appeal to hold their office for the term of one year; the said collector, overseer and commissioners of appeal of such village to act in the limits of such village in the place of the collector, overseer and commissioners of appeal of the township wherein such village lies, to have the same powers and authority, to be subject to the same duties and penalties, and to receive the same compensation as is now provided by law in regard to the collector and commissioners of appeal of such township respectively, except that the compensation of such overseer shall be fixed annually by the board of village trustees; *provided*, *however*, that no election of any of said officers shall be had unless the legal voters of said village shall, by an election held for that purpose, determine to elect any one or all of said officers.

Proviso.

2. *And be it enacted*, That the assessor of said village

Compensation of assessor, collector and commissioners of appeals.

shall be paid the same fees for his services as are now paid to the assessor of the township wherein such village lies, and all fees to be paid to such assessor, collector and commissioners of appeal shall be paid wholly by the trustees of said village, and not by the said township.

Section to be amended.

3. *And be it enacted*, That section sixty of the act to which this is a supplement be and the same is hereby amended so as to read as follows:

Trustees may borrow money to pay for improvements.

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

Repealer.

4. *And be it enacted*, That all acts and parts of acts inconsistent herewith are hereby repealed.

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

Approved March 19, 1895.

CHAPTER CLXXV.

An Act to establish the rate of interest on arrears of taxes and assessments in cities of this state.

Governing body may change rate of interest.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the common council or other board having charge and control of the finances of any city in this state may, by the same vote required to expend moneys, fix and change by resolution the rate of interest on all past-due taxes and assessments of all kinds which were due prior to January first, one thousand eight hundred and ninety-four, at and after a rate of not less than seven per centum per annum; *provided*, *however*, that such rate shall apply only to such taxes and assessments as are still due and unpaid to said city, and shall not apply to any taxes or assessments that have been or may be adjusted under the act of the legislature, entitled "An act concerning the settlement and collection of arrearages of unpaid taxes, assessments and water rates or water rents in cities of this state, and imposing and levying a tax, assessment and lien in lieu and instead of such arrearages and to enforce the payment thereof, and to provide for the sale of lands subjected to further taxation and assessment," passed March thirtieth, one thousand eight hundred and eighty-six.

Proviso.

Repealer.

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

Approved March 19, 1895.

CHAPTER CLXXVI.

A Further Supplement to the act entitled "An act for rendering the proceedings upon information in the nature of quo warranto more speedy and effectual," passed March seventeenth, one thousand seven hundred and ninety-five.

Upon judgment of ouster relators may have immediate possession.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That hereafter any relator or relators, upon the entry of judgment of ouster in the supreme court in respect to any office or franchise within this state, upon any proceedings upon information in the nature of a quo warranto, wherein such relator or relators shall theretofore have had judgment of ouster in said court, shall be entitled at once upon the entry thereof to enter, possess and enjoy the office in respect to which the said proceedings, whereon the said judgment may be founded, were or shall be taken; and

Court may make order for surrender of office, etc.

that the said court or any judge thereof may, upon the entry of such judgment, thereupon make an order on any defendant in such proceedings requiring him immediately to surrender any such office or franchise, with all the books, papers and insignia thereof, to the relator or relators; and no writ of error or other proceedings shall in anywise affect the right of such relator or relators to

Proviso.

immediate entry into such office or franchise; *provided*, that such relator or relators shall, upon his or their entry into such office or franchise, give bond to the defendant or defendants in such sum and with such surety or sureties as the supreme court or any judge thereof shall approve, conditioned for the repayment to the defendant of the emoluments of the office or franchise during such relator's incumbency therein to which such defendants may be adjudged to be entitled, as well as the costs of the defendant, in the event of the subsequent reversal of the judgment of ouster in the said proceedings.

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

Approved March 19, 1895.

CHAPTER CLXXVII.

A Supplement to "An act relative to the state-house and adjacent public grounds," passed May twenty-fifth, one thousand eight hundred and ninety-four.

Insurance upon state house and contents shall be maintained.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the governor, the treasurer and the comptroller, or a majority of them, be and are hereby authorized and required to effect and maintain insurance against loss or damage by fire upon the state-house and the contents thereof, in such a sum as in their judgment may be necessary and sufficient.

Repealer.

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

Approved March 19, 1895.

CHAPTER CLXXVIII.

An Act in relation to mutual fire insurance companies.

May insure property wherever located.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall and may be lawful for any mutual fire insurance association, organized under the laws of this state, to insure buildings, farm produce and other personal property against

loss or damage by lightning or fire, wheresoever the same may be located.

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

Approved March 19, 1895.

CHAPTER CLXXIX.

A Supplement to an act entitled "An act providing for the formation and establishment of wards in cities of the first class in this state," approved May sixteenth, one thousand eight hundred and ninety-four.

Aldermen and other officers shall be elected in new wards.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in all cities of the first class in this state in which new ward lines may have been or shall hereafter be established under the provisions of the act to which this is a supplement, there shall be elected at the first charter election ensuing after the formation of such new wards, one alderman from each of the wards thus formed, who shall hold the offices to which they have been elected for the term of two years; and that one alderman shall be elected each year thereafter in each of the said wards, to hold office for a like term; and other officers required to be elected in said new wards shall be elected to such number only as would have been required to be elected for full terms in such wards had the new wards been the original wards theretofore provided for by law.

Repealer.

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

Approved March 19, 1895.

CHAPTER CLXXX.

An Act respecting local boards of health in cities of this state.

Surplus anti-toxin serum may be sold.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That where the board of health of any city in this state shall have established or shall hereafter establish a plant for the production of diphtheria anti-toxin serum, and shall be engaged in the production of diphtheria anti-toxin serum, that such board of health shall have power from time to time and at such price as they shall determine, to sell to any other municipality or to any person desiring to purchase the same, such surplus diphtheria anti-toxin serum as they may have and which is not needed in the city in which such health board is located.

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

Approved March 19, 1895.

CHAPTER CLXXXII.

A Further Supplement to an act entitled "Further supplement to an act entitled 'An act to regulate elections,' approved April eighteenth, one thousand eight hundred and seventy-six," which supplement was approved April twenty-eight, one thousand eight hundred and eighty-seven.

Section to be amended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section twen-

ty-seven of an act entitled "An act to regulate elections," approved April eighteenth, one thousand eight hundred and seventy-six, which section was amended by a supplement to said act approved April twenty-eighth, one thousand eight hundred and eighty-seven, be and the same is hereby amended so as to read as follows:

Governing body shall provide ballot-boxes.

27. *And be it enacted*, That the board of chosen freeholders of each county, and the common council, board of aldermen or other governing body of each city and incorporated town and each township, shall, when new boxes are required, provide and keep in good repair such ballot-boxes for the use of each township, ward or election district, which box shall be made at least one foot in depth, width and length, measuring the same on the exterior thereof, and may provide a ballot-box known as the "safety ballot-box" of Camden, New Jersey, and that no sum in excess of twenty-five dollars shall be paid for each ballot-box, and that the said ballot-box may be furnished to the respective municipalities and townships before the first day of October, anno domini one thousand eight hundred and ninety-five; said ballot-box shall be so constructed as to have four glass sides, supported by four upright columns, and that no bolts, screws or other attachments by which the box is held together shall be exposed on the outside; and that the said ballot-box shall be secured by three patent locks, no two keys of which are alike, and these locks in turn to be covered by an outer door, connected by a rod running to dial in front of the box, which is sealed and in full view of the voter, and each vote cast to be recorded in figures plainly visible in the front of box.

Dimensions, etc., prescribed.

Repealer.

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

Approved March 19, 1895.

CHAPTER CLXXXIII.

An act to establish and maintain a state museum.

Preamble.

WHEREAS, The governor of this state has recommended that the exhibits of the several departments of the state government at the Columbian exposition at Chicago be placed on permanent exhibition; *and whereas*, said exhibits would form a nucleus of an exhibit which would be of great value in showing the educational, agricultural and industrial development of the state; therefore,

Commission shall prepare rooms for a museum.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the commission now having charge of the restoration of the state-house shall have power, and it shall be its duty, to cause to be prepared suitable rooms in said state-house for a museum for the preservation and display of the exhibits of the several state departments at the Chicago exposition, and for such other exhibits as may from time to time be placed therein by the commission having control of said museum, as provided in the second section of this act, and the expenses incurred in the preparation of said rooms shall be paid on the warrant of the comptroller out of any moneys in the state treasury not otherwise appropriated.

Of whom commission shall be composed.

2. *And be it enacted*, That the state superintendent of public instruction, the state geologist, the president of the state board of agriculture, the president of the senate and the speaker of the house of assembly are hereby constituted a commission, which commission shall have control of said museum, and shall make all necessary rules and regulations for the proper care and maintenance thereof, and said commission may appoint a curator, who shall, under the direction of the said commission, arrange and classify the several exhibits, and shall have charge of said museum and exhibits,

Duties of commission.

New Jersey State Library

and shall perform such other duties in connection therewith as shall be directed by said commission, and he shall be paid such a compensation as said commission shall determine, but not to exceed the sum of fifteen hundred dollars per annum, which compensation shall be paid by the state treasurer in equal monthly installments upon the warrant of the comptroller.

Compensation of curator.

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

Approved March 20, 1895.

CHAPTER CLXXXIV.

An Act relative to the formation of surety companies and regulating surety companies doing business in this state.

Who may form company.

1. BE IT ENACTED, *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for seven or more persons to associate themselves into a company to carry on the business of indemnity and suretyship upon making and filing a certificate in writing of their organization in manner hereinafter mentioned, and every company so formed shall, besides the powers conferred by this act, be additionally possessed of all powers and be subject to all restrictions thereon contained in the general act entitled "An act concerning corporations," as far as the same are consistent with this act, and be subject to the provisions and regulations of the act entitled "An act to provide for the regulation and incorporation of insurance companies," approved April ninth, one thousand eight hundred and seventy-five.

Powers and restrictions.

What the certificate shall set forth.

2. *And be it enacted*, That such certificate, in writing, shall set forth:

I. The name assumed to designate such company and to be used in its business and dealings;

II. The place or places in this state or elsewhere where the business of the company is to be conducted, and the place in this state where its principal office is to be located and the place where its principal office and place of business, if any, out of this state is to be located;

III. The objects for which the company shall be formed;

IV. The amount of the capital stock of such company, which shall not be less than one hundred thousand dollars; the amount with which they will commence business, which shall not be less than fifty thousand dollars, and the number of shares into which the same is divided and the par value of each share, which certificate shall be proved or acknowledged and recorded as required of deeds of real estate in a book to be kept for that purpose in the office of the clerk of the county where the principal office of the company in this state shall be established, and, after being so recorded, shall be filed in the office of the secretary of state, and said certificate, or a copy thereof, duly certified by said clerk or secretary, shall be evidence in all courts and places, and from the filing of such certificate said persons so associating, their successors and assigns, shall be incorporated into a company by the name mentioned in said certificate.

Minimum of capital stock.

Certificate shall be proved and recorded and filed.

Copy shall be received in evidence.

3. *And be it enacted*, That 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 such surety company qualified to act as surety or guarantor as hereinafter provided; 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, under-

Guarantee of company shall be full compliance with every legal requirement.

taking, obligation, recognizance or guarantee shall be executed by one surety or by one or more sureties, or that such sureties shall be residents or 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 bond, undertaking obligation, recognizance or guarantee, 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.

Company shall comply with every requirement of law.

4. *And be it enacted*, That such company, to be qualified to so act as surety or guarantor, must comply with the requirements of every law of this state applicable to such company in doing business therein; must have good available assets exceeding its liabilities, which liabilities, for the purposes of this act, shall be taken to be its capital stock, its outstanding debts and a premium reserve at the rate of fifty per centum of the annual premiums on all outstanding bonds, undertakings, recognizances and obligations of like character in force; must have on deposit with the comptroller of this state at least fifty thousand dollars in good securities, worth at par and market value at least that sum, and held for the benefit of the holders of the obligations of such company; must file with the commissioner of banking and insurance a certified copy of its certificate of incorporation, a written application to be authorized to do business under this act, and also with said application, and in each year thereafter in January, a statement signed and sworn to by its president or vice president and its secretary or assistant secretary, made up to December thirty-first preceding, stating the amount of its paid-up cash capital, particularizing each item of investment, the amount of premium on existing bonds upon which it is surety, the amount of liability for unearned portion thereof, estimated at the rate of fifty per centum of the annual premium on all outstanding obligations, stating also the amount of its outstanding debs of all kinds and such further statement similarly verified as may be by the laws of this state required of such company in trans-

And shall have certain qualifications to transact business.

Shall make annual statement.

acting business therein ; said securities deposited with said comptroller shall remain with him in trust to answer any default of such company as surety upon any such bond, undertaking, recognizance or other obligation established by final judgment upon which execution may lawfully be issued against said company, said comptroller and his successors in office being hereby directed to so receive and thereafter retain such deposit under this act in trust for the purposes thereof; such company, however, at all times to have the right to collect the interest, dividends and profits upon such securities, and from time to time to withdraw said securities or portions thereof, substituting therefor others of equally good character and value to the satisfaction of the comptroller, and such securities and substitutes therefor shall be at all times exempt from and not subject to levy under any writ or process of attachment; *and*, *further*, shall not be sold under any process against such company without at least thirty days' notice to said company specifying the time, place and manner of such sale and the process under which and purposes for which it is made, accompanied by a copy of such process; *provided*, *however*, that a foreign corporation having not less than one hundred thousand dollars in good securities deposited with a state officer of the state where it is incorporated and held for the benefit of the holders of its obligations as hereinafter provided, and not engaging in the business of executing or guaranteeing bonds, undertakings, recognances, or other obligations, in actions or proceedings, legal, equitable or otherwise, or which are required by law or by the 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 shall not be required to make deposit of fifty thousand dollars with the comptroller as in this section provided.

Securities shall remain in trust.

Proviso.

5. *And be it enacted*, That no surety company shall hereafter be formed in this state except in pursuance of this act.

Companies shall be formed under this act.

Foreign companies authorized to transact business.

6. *And be it enacted*, That any corporation of another state which is by the laws of the state where it was incorporated and under its charter authorized to become surety upon such bonds and undertakings as are in this act mentioned, may engage in the business of suretyship and indemnity in this state in the same manner and to the same extent as allowed by corporations created under this act; *provided*, that said foreign corporation shall comply with all the requirements of the fourth section of this act, except as therein otherwise provided concerning a foreign corporation; and in addition thereto shall establish that it has on deposit with the superintendent of insurance or other state officer of the state where incorporated in good securities worth at par and at market value at least one hundred thousand dollars, 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; and also appoint an attorney in this state upon whom process of law can be served, and file in the office of the commissioner of banking and insurance a written instrument, duly signed and sealed, certifying such appointment, together with the residence and office of such attorney within this state, which appointment shall continue until another attorney be substituted.

Proviso.

Shall deposit securities and have certain paid-up capital.

Shall appoint attorney.

Deposit of all companies shall remain in trust subject to this act.

7. *And be it enacted*, That whenever any such company, domestic or foreign, has been engaged in this state in the indemnity or suretyship business as contemplated by this act and has made a deposit in this state in trust or otherwise, of securities to answer any default of such company upon any bond, undertaking, recognizance, guarantee or obligation, such securities so deposited shall be by the trustee or custodian thereof transferred and delivered to said comptroller in trust for the same purposes, under and subject to all the rights and equities of all parties interested and to the terms and provisions of this act, and thereupon such deposit shall remain in trust under and subject to the terms and provisions of this act; and whenever such deposit has been made with a trustee by order of any court, it shall be the duty of such court, by order or otherwise, to direct such transfer to said comptroller; in case such

deposit is less than the sum of fifty thousand dollars, then such company must deposit with said comptroller securities sufficient to increase said deposit to said sum of fifty thousand dollars as required by this act.

Commissioner of banking and insurance shall issue certificate to foreign company.

8. *And be it enacted*, That the commissioner of banking and insurance, upon due proof by any such domestic or foreign company of its possessing the qualifications in this act specified, shall issue to such company a certificate setting forth that such company has qualified and is authorized for the ensuing year to do business under this act, which said certificate shall be evidence of such qualification of such company and of its authorization to become and be accepted as sole surety on all bonds, undertakings, recognizances and obligations required or permitted by law, or the charter, ordinances, rules or regulations of any municipality, board, body, organization or public officer, and the solvency and credit of such company for all purposes and its sufficiency as such surety.

Conditions for release of any company.

9. *And be it enacted*, That any such surety company, domestic or foreign, may at any time surrender to the commissioner of banking and insurance its said certificate of qualification, and shall thereafter cease to engage in the said business of suretyship and indemnity; such company shall thereupon be entitled to the release and return of its said securities deposited as aforesaid in manner following: said company shall file with said commissioner a statement in writting, under oath, giving the date, name and amount of all its then existing obligations of suretyship or indemnity in this state, setting down the facts of each case, and said commissioner, after an examination of the facts, shall require said company to file with the comptroller a bond to the state, in the penalty of not less than twenty nor more than fifty thousand dollars, executed by said company and two or more responsible freeholders of this state, or a responsible surety company of this state qualified as aforesaid, conditioned for the prompt fulfillment by said company of all its said outstanding obligations of suretyship and indemnity, and stipulating that the makers of said bond may be joined as defendants to any action upon any of the aforesaid obligations of surety-

ship or indemnity of said company, and that if judgment in such action be rendered against said company it may at the same time be rendered and enforced againt the makers of said bond without further or other action against them, and such bond shall stand for the security and benefit of all persons interested in said outstanding obligations of suretyship and indemnity; upon approving and filing such bond said commissioner shall deliver said securities to said company.

Repealer.

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

Approved March 20, 1895.

CHAPTER CLXXXV.

A Supplement to an act entitled "An act for the formation, establishment and government of towns," approved March seventh, one thousand eight hundred and ninety-five, conferring upon towns formed and established under previous acts of the legislature of this state the powers, authority and franchises conferred upon towns organized or to be organized under the act to which this is a supplement, and giving to the acts and proceedings of such towns the force, effect and validity of acts done and proceedings had and taken under the provisions of the act to which this is a supplement.

Town governments heretofore established recognized as legal.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That every town government heretofore established, formed under and in accordance with the provisions of the acts of the legislature of this state for the formation and government of towns which has been in fact constituted, formed and organized substantially in the manner

directed by the act to which this is a supplement, containing within its limits and jurisdiction the population therein required, whether the authority to form such government has been lawfully conferred or not, shall be deemed, held and taken to be a town government created under the provisions of the act to which this is a supplement; and each and every of such governments is hereby constituted and made a town government, as fully to all intents and purposes as if the proceedings for the formation of the same had been instituted and the said governments had been formed under the provisions of the act to which this is a supplement; and every such town government is hereby perpetuated and continued and authorized, without reorganization or further proceeding, to assume and exercise all the powers, privileges and franchises conferred upon town governments by the said act to which this is a supplement; and that all officers heretofore appointed, chosen or elected in any such town government shall continue in office until the expiration of the term or terms for which they were originally appointed or elected, with all the powers and subject to all the duties and responsibilities that are conferred upon or imposed upon like officers appointed, elected or chosen or to be appointed, elected or chosen in governments formed and organized under the provisions of the act to which this is a supplement; and that all laws, ordinances, acts and proceedings of every such government heretofore passed, done and taken shall have the same force, validity and effect as if they had been passed, had, done and taken by governments organized under and in pursuance of the authority of the act to which this is a supplement.

Acting officials continued in office.

Laws, ordinances, etc., validated.

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

Approved March 20, 1895.

CHAPTER CLXXXVI.

An Act to amend an act entitled "An act providing for the formation, establishment and government of towns," approved March seventh, one thousand eight hundred and ninety-five.

Section to be amended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section eleven of 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 and the same hereby is amended so as to read as follows:

Time and place for annual town election.

11. *And be it enacted*, That the annual town election shall be held on the second Tuesday in April in each year, between the hours of six o'clock in the morning and seven o'clock in the afternoon, at the place or places in each ward designated by the council; notice

Clerk shall advertise notice thereof.

of the time and place or places of such election and of the officers to be chosen shall be given by the town clerk at least two weeks before the day of election, by publication in at least one newspaper published in the county in which the town is situated and generally circulating in the town; no person shall be permitted to

Qualification of voters.

vote at any such election unless he is an actual resident of the election district in which he offers his vote; immediately after the polls shall be closed at any such

When polls shall be closed and votes canvassed.

election the election officers of each election district shall count the votes given for the several candidates, and certify under their hands the number given for each, and publicly announce the same; and within twenty-four hours thereafter they shall immediately

Statement of result shall be filed.

deliver one such statement to the judge or inspector, who shall be delegated to attend the meeting of the board of town canvassers, and one to the town clerk

and one to the county clerk, to be by them filed in their respective offices.

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

Approved March 20, 1895.

CHAPTER CLXXXVII.

An Act to repeal an act entitled "An act to provide for admission of certain persons residents of this state to practice as attorneys and counselors in the supreme court of this state," approved April thirtieth, one thousand eight hundred and ninety-four.

Act repealed.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That chapter one hundred and seven of the laws of one thousand eight hundred and ninety-four, entitled "An act to provide for admission of certain persons residents of this state to practice as attorneys and counselors in the supreme court of this state," approved April thirtieth, one thousand eight hundred and ninety-four, be and the same is hereby repealed.

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

Approved March 20, 1895.

CHAPTER CLXXXVIII.

An Act in relation to the salary of comptrollers in certain cities.

Governing body may increase comptroller's salary.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the board of aldermen or common council of any city having a population exceeding seventy-five thousand inhabitants may, by resolution, increase the annual salary of the comptroller of the city to an amount not exceeding two thousand dollars; *provided, however*, that this act shall not be construed to limit the salary of such officer in such cities where such officer now receives a larger annual salary.

Proviso.

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

Approved March 20, 1895.

CHAPTER CLXXXIX.

An Act to amend an act entitled "An act to regulate the practice of pharmacy in the state of New Jersey," approved April fifth, one thousand eight hundred and eighty-six.

Act to be amended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the act entitled "An act to regulate the practice of pharmacy in the state of New Jersey," approved April fifth, one thousand eight hundred and eighty-six, be amended so as to read as follows:

Registered pharmacists only allowed to retail, dispense or compound medicines.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That from and after the passage of this act it shall not be lawful for any person not a registered pharmacist, within the meaning of this act, to conduct any store or pharmacy for retailing, dispensing or compounding drugs, medicines or poisons, or for anyone not a registered pharmacist or qualified assistant to prepare and dispense physicians' prescriptions, or to retail or dispense medicines or poisons, except under the immediate supervision of a registered pharmacist.

Governor shall appoint board of pharmacy.

2. *And be it enacted*, That on or before the first day of June next the New Jersey pharmaceutical association shall submit to the governor the names of fifteen pharmacists doing business within this state, from which number the governor shall appoint five persons, who shall constitute the board of pharmacy of the state of New Jersey, and who shall hold office for the term of one, two, three, four and five years, as designated in their respective appointments, and until their successors shall have beeen appointed and qualified; the New Jersey pharmaceutical association shall annually thereafter nominate to the governor five pharmacists, of whom the governor shall appoint one to fill the vacancy annually occuring in the said board, who shall hold office for five years and until his successor shall have been appointed and qualified; any vacancy occurring in said board shall be filled by the governor for the unexpired term from among the persons last nominated to him; each person so appointed shall, within thirty days after appointment, take and subscribe an oath, before any officer authorized to administer oaths in the state, that he will faithfully and impartially discharge the duties prescribed in this act.

Term for which members shall serve.

How vacancies shall be filled.

Members shall be qualified.

How board shall be organized.

Regular meetings.

Duties of the board.

3. *And be it enacted*, That the board of pharmacy shall organize by electing a president, a secretary and a treasurer, and shall have power to make by-laws and rules for the proper fulfillment of its duties under this act; it shall meet on the third Thursday of January, April, July, and October in the city of Trenton, and at such other places and dates as may be required; it shall examine into all applications for registration and grant

certificates of registration to all persons whom it shall judge, on examination, to be properly qualified to practice pharmacy; it shall keep a book of registration, in which shall be entered the names and places of business of all persons registered under this act, and shall also keep a book of record of all its official transactions, which book shall be legal evidence of such transactions in any court of law; it shall have power to examine into all cases of alleged abuse, fraud and incompetence, cause the prosecution of all persons not complying with the provisions of this act, and suspend and revoke the registration of any person legally convicted of violating the same, or of any person addicted to chronic and persistent inebrity, or of any person convicted of a crime involving moral turpitude; it shall annually report to the governor and to the president of the New Jersey pharmaceutical association upon the condition of pharmacy in the state, which report shall embrace a detailed statement of the receipts and expenditures of the board; the members of such board shall receive the sum of five dollars for each day actually engaged in this service, to be paid from the fees and penalties collected under the provisions of this act, and all moneys thus collected by said board in excess of said per diem allowances and of the necessary expenses of said board, shall be paid to the treasurer of the New Jersey pharmacential association at its annual meeting; three members of the board shall constitute a quorum.

Shall make annual report.

Compensation of members.

Qualifications necessary in order to obtain certificate of registry.

4. *And be it enacted*, That every person applying for registration as pharmacist under this act shall not be less than twenty-one years of age and shall furnish satisfactory evidence that he has had at least four years' experience in the practice of pharmacy and pay to the secretary of the board of pharmacy a fee of ten dollars, and upon passing an examination satisfactory to said board, he shall receive from said board a certificate of registration; in case of failure to pass a satisfactory examination, the applicant shall be granted a second examination (without the payment of another fee) at any time within one year from his first examination; and that the board of pharmacy shall grant an assistant's certificate to any person not less than eighteen years of

age, who shall have had three years' practical experience in pharmacies where prescriptions have been usually compounded, and shall have passed a satisfactory examination before said board of pharmacy; which certificate shall entitle such person to all the privileges of a registered pharmacist during the temporary absence of his employer, and shall not entitle such assistant to engage in business on his own account or as manager to conduct a pharmacy; every person applying for an assistant's certificate shall pay to the secretary of the board of pharmacy a fee of five dollars before examination; in case of failure to pass a satisfactory examination the applicant shall be granted a second examination without the payment of another fee at any time within one year from his first examination; every pharmacist owning or conducting a pharmacy or store shall conspicuously display his certificate of registration in said pharmacy or store, and any failure to do so shall be *prima facie* evidence that such person is not a registered pharmacist; and every registered pharmacist and every registered assistant who desires to continue the practice of his profession shall once in three years during the time he shall continue such practice on such date as the board of pharmacy shall prescribe, pay to the secretary of the board a registration renewal fee of fifty cents, in return for which he shall receive a renewal of his registration.

Penalty for false representation.

5. *And be it enacted*, That any person who shall procure or attempt to procure registration for himself or any other person under this act, by making or causing to be made any false representations, or fraudulently represent himself to be registered, or shall adulterate or sell any adulterated drug, medicine or chemical, or who shall otherwise violate the provisions of this act (except section six), shall be deemed guilty of a misdemeanor and, upon conviction thereof, be liable to a penalty of not less than fifty or more than one hundred dollars, and for every subsequent offense or offenses a like fine or imprisonment, not to exceed six months, or both, at the discretion of the court.

How poison shall be labelled.

6. *And be it enacted*, That it shall not be lawful for any person to retail or dispense any of the poisons

enumerated in schedule A appended to this section or any other substance commonly recognized as a deadly poison, without distinctly labeling with a red label the bottle, box, vessel or wrapper in which such poison is contained, with the name of the article, the word "poison" and the name and place of business of the dispenser, nor without being satisfied that the purchaser is aware of its poisonous nature and intends to use it for a legitimate purpose; any person failing to comply with the requirements of this section shall be deemed guilty of a misdemeanor, and for every such omission shall be liable to a fine of not less than ten dollars; and any person who shall give a fictitious name, or who shall make any false representations to the seller when buying any of the poisons thus enumerated, shall be deemed guilty of a misdemeanor and be liable to a fine of not less than ten dollars; the penal provisions of this act shall not apply to the sale of such poisons as are used in the arts, agriculture or in manufacturing, to persons known to be engaged in such pursuits, nor to the dispensing of poisons upon the prescription of a practicing physician.

Penalty for non-compliance.

Penalty for false representation of poisons.

When penalty shall not apply.

SCHEDULE A.

Schedule of poisons.

Arsenic and its compounds or chemical derivatives; corrosive sublimate and other poisonous derivatives of mercury; phosphorus and its poisonous derivatives; prussic acid and its poisonous derivatives; tartrate of antimony; essential oil of bitter almonds; oils of tansy, savin or croton; chloroform, chloral-hydrate, aconite, belladonna, conium, cantharides, digitalis, hyoscyamus, nux vomica, Indian hemp, veratrum viride, yellow jessamine, opium, their alkaloids or other preparations (except paregoric and other preparations of opium having less than two grains to the ounce); ergot, savin, cotton-root and their preparations.

Penalty for neglect to register, etc., and for dispensing adulterated drugs, etc.

7. *And be it enacted*, That any person or persons who shall establish or conduct any pharmacy for the retailing, dispensing or compounding of drugs, medicines, physicians' prescriptions or poisons, not being a duly-registered pharmacist of this state, or shall be engaged

as clerk or assistant in said store or pharmacy, and retailing, dispensing or compounding drugs, medicines, poisons or physicians' prescriptions, not having first obtained a certificate of registration as a pharmacist or assistant in accordance with the provisions of this act; or being a duly-registered pharmacist or assistant, shall violate any of the provisions of the next preceding section, or shall adulterate or sell any adulterated drug, medicine or chemical; or any person who shall procure, or attempt to procure, registration for himself or any other person under this act, by making or causing to be made any false representations, or fraudulently represent himself to be registered in accordance with the provisions of this act, shall forfeit and pay such sum, not to exceed one hundred dollars, together with costs, as the court shall determine, to be sued for and recovered in an action of debt, with costs of suit, by any person or persons, in the name of the board of pharmacy of the state of New Jersey, before any justice of the peace, district court or police magistrate in the county where the offense or offenses were committed, one-half thereof to the person or persons who shall sue therfor, and one-half to the board of pharmacy of the state of New Jersey.

Act shall not apply to physicians or to sale of non-poisonous remedies or to ownership.

8. *And be it enacted*, That nothing in this act shall be construed to apply to or in any manner interfere with the strictly professional pursuits of any physician, nor with the making or vending of non-poisonous patent or proprietary medicines, nor with the sale of simple non-poisonous domestic remedies by retail dealers in rural districts, nor with the ownership of any pharmacy or store in part or whole by any person not a registered pharmacist; *provided*, such pharmacy or store be at all times in charge of a registered pharmacist; and any person holding a certificate of registration granted under any former act shall be considered a registered pharmacist within the meaning of this act.

Proviso.

Fines—to whom paid.

9. *And be it enacted*, That each and every fine imposed under the provisions of this act shall be paid to the treasurer of the board of pharmacy.

Repealer.

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

and parts of acts conflicting or inconsistent herewith be and the same are hereby repealed.

Approved March 20, 1895.

CHAPTER CXC.

An Act to enable women to practice law.

Sex shall not be a bar to admission or examination.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That no person shall be denied admission to examination for license to practice law as an attorney or counselor in this state, or be refused recommendation to the governor for license to practice law as an attorney or counselor in this state, on account of sex.

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

Approved March 20, 1895.

CHAPTER CXCI.

A Supplement to an act entitled "An act to establish a bureau of statistics upon the subject of labor, considered in all its relations to the growth and development of state industries," approved March twenty-seventh, one thousand eight hundred and seventy-eight.

Appropriation for expenses.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the sum of five thousand dollars be and the same is hereby appropriated for the current expenses of said bureau.

2. *And be it enacted*, That the treasurer of this state is hereby authorized to pay from any money not otherwise appropriated the sum provided for in the first section of this act. State treasurer authorized to pay.

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

Approved March 20, 1895.

CHAPTER CXCII.

An Act to enable certain municipal corporations of this state to fix the compensation of their recorder.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall and may be lawful for the common council, board of council, or other municipal governing bodies of any incorporated town, having a population according to the last census of not less than ten thousand, in counties of the first class of this state, incorporated or existing under and by virtue of any special act of incorporation and supplements thereto, to fix the salary of its recorder; *provided*, that the sum so fixed shall not exceed eight hundred dollars. Governing body may fix recorder's salary. Proviso.

2. *And be it enacted*, That all acts and parts of acts, whether general, special or local, inconsistent herewith are hereby repealed. Repealer.

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

Approved March 20, 1895.

CHAPTER CXCIII.

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

Acknowledgments heretofore taken irregularly validated.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That every acknowledgment or proof of any deed or conveyance of lands, tenements or hereditaments lying and being in this state, heretofore made by any grantor or witness thereto, before or by any officers in some other state in the union or territory thereof, authorized at the time of such proof or acknowledgment by laws of the state or territory wherein such proof or acknowledgment was made or taken, to take the proofs and acknowledgments of deeds or conveyances of lands, tenements or hereditaments lying or being in such state or territory, shall be good, valid and effectual in law, and the record of said deed admissable in evidence and good, valid and effectual in law for all purposes, notwithstanding the certificate accompanying such acknowledgment of proof, under the great seal of such state or territory, or under the seal of a court of record of the county in which it was made, does not certify that the officer before whom such proof or acknowledgment was made was, at the time of the taking thereof, authorized by the laws of such state or territory to take the acknowledgments and proofs of deeds or conveyances for lands, tenements or hereditaments in such state or territory; *provided*, such certificate and such acknowledgment or proof and the certificate thereof, in all other respects conforms to the laws of this state.

Proviso.

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

Approved March 20, 1895.

CHAPTER CXCIV.

An Act to create, establish and regulate a police department in the cities of the second class in this state having a population, by the last census, not exceeding thirty-five thousand, and to remove the same from political control.

Certain cities may establish police board.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That there shall be and is hereby created and established in each of the cities of the second class in this state whose populalion, by the United States or state census last taken, does not exceed thirty-five thousand, which shall accept the provisions of this act as hereinafter provided, a board of police commissioners, to whom shall be exclusively instrusted the government, control and management of the police department therein and the transaction and control of all public police matters and business.

Mayor shall appoint.

Board shall be bi-partisan.

2. *And be it enacted*, That such board of police commissioners shall consist of four persons, resident in such city, and each of whom shall be appointed and commissioned by the mayor of such city; two of the persons so appointed shall be selected from the dominant political party, and two from the party which at the last preceding municipal election cast the next highest number of votes in such city; that is to say, two of the members of the said board shall be selected and appointed from each of the two political parties casting the largest number of votes at the last preceding municipal election in such city; two of the said commissioners, one from each of the said potitical parties, shall be appointed for the term of two years, and two of the said commissioners, likewise one from each of the said political parties, shall be appointed for the term of three years; and thereafter, upon the expiration of the term of each of the members of said board of police commis-

Terms for which they shall be appointed.

sioners, as hereinbefore provided, the mayor of such city shall appoint his successor, who shall be selected from the same political party as his predecessor, to serve for the term of three years as a member of said board of police commissioners; but in no case and at no time shall more than two of said commissioners composing said board belong to the same political party as aforesaid.

Board shall appoint a clerk and fix his salary.

3. *And be it enacted*, That such board of police commissioners shall be entitled to have and appoint a clerk, who shall receive a salary to be fixed by the said board, and who shall keep a record of all their proceedings and proper accounts of all money received and expended by said board, and do all other acts directed by said board, and the said board of police commissioners shall make and render detailed reports monthly to the mayor of such city.

And shall report monthly.

Board and clerk shall qualify.

4. *And be it enacted*, That before entering upon the duties of such office each of said commissioners, and the clerk of the said board, shall take and subscribe an oath or affirmation before the clerk of such city, faithfully and impartially to perform the duties of such office, and each of the said commissioners shall enter into a bond to the corporation of such city, in such sum not exceeding five thousand dollars, and with such sureties as may be designated or approved by the mayor of such city, conditioned for the faithful performance of his duties as such commissioner.

Board shall give bond.

Mayor may expel members of the board for cause.

5. *And be it enacted*, That the mayor of such city shall have the right to expel from office any of the said commissioners therein on good cause shown, and after a trial of such commissioner before such mayor, and for such purpose such mayor shall be and he is hereby fully authorized and empowered to summon, swear or affirm and examine witnesses, hear counsel, and try and determine the charges against such commissioner, as to the said mayor shall seem just and proper, and his determination shall in all cases be final and conclusive.

Vacancies shall be filled for unexpired term.

6. *And be it enacted*, That in case a vacancy shall occur in the said office of police commissioner, such vacancy shall forthwith be filled for the remainder of the unexpired term, in the same manner as the original

appointment was made, and such commissioner shall be selected and appointed from the same political party as his predecessor.

Board may employ necessary assistance.

7. *And be it enacted*, That the commissioners composing such board of police commissioners be and they are hereby fully authorized and empowered to employ such persons as may be deemed necessary by said board, from time to time, in their respective departments; and the said board is hereby fully authorized and empowered to declare vacant any or all of the offices or positions therein or thereunder as to such board may appear best for the public interests in such department, including the chief of police of such department or person holding the equivalent or similar position however called or designated; and the said board shall have power to make or alter, from time to time, such by-laws, rules and regulations for the government of such board and for the conduct and management of the affairs of such board and the department under its control and government as to the members of such board shall seem proper, provided such by-laws, rules and regulations are not contrary to the constitution and laws of this state or the provisions of this act.

And may vacate any or all positions in their department.

Make by-laws, etc.

May appoint and approve policemen and other employes.

8. *And be it enacted*, That such board of police commissioners shall be and it is hereby fully empowered and authorized to designate, appoint or approve all the policemen or other persons employed in the police department of such city; and the said board of police commissioners is also hereby fully empowered and authorized, and it is hereby invested with the full right and power to suspend, remove, expel and discharge any and all persons employed or appointed in or under the department under the government and control of the said board, provided good cause shall be shown for such suspension, expulsion or discharge after an investigation by the said board.

And suspend remove, expel and discharge the same.

Salary of commissioners.

9. *And be it enacted*, That each of such commissioners shall devote such time and attention to the duties of his office as the welfare of the department under his control and the public interests therein may require; and each of such commissioners shall receive an annual salary of

two hundred and fifty dollars, to be paid quarterly to such commissioners by such city.

Board shall elect a president.

10. *And be it enacted*, That said board of police commissioners shall annually, or whenever a vacancy occurs, select one of their number to act as president, who shall preside at their respective meetings, and in case of a vacancy in the office of chief of police by removal, disability or otherwise, the president of the said board shall perform all the duties and possess all the powers of said position during the continuance of such vacancy.

When office of chief is vacant president shall act.

Board shall fix compensation of employes.

11. *And be it enacted*, That the said board of police commissioners shall have power to fix and regulate the compensation of all officers, servants and employes of their respective departments, and said board shall have power to appoint a surgeon from among the regularly graduated and licensed physicians of such city, who shall be under the control of the said board and subject to its rules and regulations.

May appoint a surgeon.

May issue subpœnas, administer oaths, etc.

12. *And be it enacted*, That the said board of police commissioners shall have power to issue subpœnas in the name of the president of such board and compel the attendance of witnesses upon any proceedings by virtue of its rules and regulations, and each member of said board is hereby authorized to administer oaths or affirmations in any matter or proceeding as aforesaid, and any willful or corrupt swearing by any person before said board shall be deemed perjury and punishable in the same manner as is now prescribed by the statutes of this state in cases of perjury.

Expenses shall be provided for in annual assessment.

13. *And be it enacted*, That annually, before making up the tax levy or tax budget in any such city, the said board shall estimate in detail the expenses of the police department therein for the ensuing year, and transmit the same to the common council of such city, which body shall make provision for the assessment of the same in the tax ordinance of such year; *provided*, the sum required shall in no case exceed by more than ten per centum the amount expended for the police department in such city for the previous fiscal year; *provided further*, that it shall be lawful for the common council or other governing body to make additional appropriation

Proviso.

Proviso.

to the use of the said department whenever the public interests may require it.

President of board shall pay officers and employes.

14. *And be it enacted*, That in paying salaries of said police department a pay-roll of such department shall be made out by the said commissioners thereof, and submitted to the mayor of such city, and such mayor shall order warrants drawn on the city treasurer of such city for the amount thereof to the order of the president of such board of police commissioners, and it shall be the duty of said president of such board to pay the officers and employes of said board according to the pay-roll so made out and submitted to such mayor.

Powers and privileges of police force.

15. *And be it enacted*, That the member of the police force employed by the board of police commissioners are hereby invested with all the powers applicable to sheriffs and constables of this state, except to serve civil process; they shall also be exempt from duty as jurymen and from military service during the time they shall remain members of such police force.

Commissioners may make arrests without warrant.

16. *And be it enacted*, That each of such police commissioners shall have full power 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 be forthwith taken before a proper judicial officer to be dealt with according to law.

Commissioner shall hold no other office.

17. *And be it enacted*, That no police commissioner shall accept or hold any other place of public trust or emolument within the elective franchise or accept any nomination therefor unless he shall first resign his office of commissioner, and upon his acceptance of any such place or nomination his position as a member of such board shall become vacant.

Penalty for receiving rewards or bribes.

18. *And be it enacted*, That in case any police commissioner appointed under this act shall take or receive any other reward, compensation or emolument for or in respect of any service under this act, or for or in respect to any appointment to be made or voted on, or for or in respect of any vote to be given by him as such commissioner, he shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine not exceeding two thousand dollars, or imprisonment at hard labor for a term not to exceed two years, or both,

at the discretion of the court before which such conviction is had.

ouncil shall provide suitable accommodations.

19. *And be it enacted*, That it shall be the duty of the common council of any city in this state wherein is established a board of police commissioners, under the provisions of this act, to provide such board with suitable and proper offices, quarters and accommodations, and to make such changes and alterations therein, and to increase and enlarge the same whenever such board shall so request such common council.

Act shall not be operative until accepted and approved.

20. *And be it enacted*, That this act shall not apply to nor be operative in any city until its provisions shall have been accepted by an ordinance duly passed for that purpose by the common council or other governing body of such city exercising legislative power therein by a majority vote of all its members and such ordinance shall have been approved by the mayor of such city, and it shall be the duty of the mayor upon the approval of such ordinance forthwith to cause proclamation to be made of the passage of such ordinance and its approval, stating therein that this act has become operative in such city, and he shall cause the said proclamation to be published for four weeks successively, once each week, in the newspapers published and circulating in the said city in which the ordinances of the said city are required by law to be published, and from and after the approval of the said ordinance the said act shall take effect in and be operative in such city.

And advertised in the newspapers.

Repealer.

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

Approved Mach 20, 1895.

CHAPTER CXCV.

A Supplement to an act entitled "An act for the formation and government of boroughs," approved April second, one thousand eight hundred and ninety-one.

Any incorporated village may accept provisions of this act.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for any village heretofore incorporated by virtue of any special or general law to accept the provisions of the act to which this is a supplement, and thereafter be governed by the same, and have all the rights, privileges and powers specified in the act to which this is a supplement, and in the supplements thereto, in lieu and instead of the provisions of the act or acts under which such village was incorporated or which have been heretofore in force therein; *provided*, that the question of adopting this act shall be submitted to the legal voters of said village by the trustees or other governing board of said village at a general or special election held for the purpose, and be approved by a majority of the votes cast at such election.

Proviso.

How the special election shall be conducted.

2. *And be it enacted*, That the said board of trustees or other governing board shall appoint a clerk and two inspectors of said election, who shall be freeholders and legal voters in the said proposed borough, and who shall hold and conduct the election aforesaid; the polls shall open and close at the same hours as at general elections in this state, and the election shall be conducted, as nearly as may be, in like manner as general elections are conducted; the ballots cast shall contain the words "for incorporation" or "against incorporation," as the case may be; at the close of the polls the said clerk and inspectors shall canvass the votes cast, and if the majority of said votes shall be for incorporation, they shall forthwith certify the result of said election and the number of votes cast for and against,

under their hands, to the clerk of the county wherein said borough is situated, to be filed in his office, and from the time of filing said certificate in the office of the clerk of the county aforesaid the inhabitants of said borough shall be a body corporate, in fact and in law, under the name of the "mayor and council of the borough of ———," and by said name shall have perpetual succession, sue and be sued, prosecute and defend, in all courts of law and equity in this state, have a common seal, and alter the same at pleasure, and purchase, hold and convey real and personal property for the use and benefit of said borough.

Repealer.

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

Approved March 20, 1895.

CHAPTER CXCVI.

A Further Supplement to an act entitled "An act concerning the settlement and collection of arrearages of unpaid taxes, assessments and water rates or water rents in cities of this state, and imposing and levying a tax, assessment and lien in lieu and instead of such arrearages, and to enforce the payment thereof, and to provide for the sale of lands subjected to future taxation and assessment," passed March thirtieth, one thousand eight hundred and eighty-six.

Certificate of sale may be assigned.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the certificate of sale issued to any city for lands bought by any city at any sale, under the provisions of the act passed March thirtieth, one thousand eight hundred and eighty-six, the title to which is above recited, may be sold or assigned to any person or persons, by and with the con-

sent of the mayor of any such city, upon the terms and conditions now existing.

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

Approved March 20, 1895.

CHAPTER CXCVII.

An Act regulating the payment of fees for licenses or permits granted in third-class cities of this state.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in any third-class city of this state when the city clerk is ex-officio clerk of the board of exise commissioners, or when licenses are granted by the board of aldermen or councilmen, or when, by any general or special public law, fees for licenses to sell malt or spirituous liquors, or for licensing hucksters, peddlers, auctioneers, and so forth, or the fees for any licenses or permits whatever are required to be paid to the city clerk, it shall be lawful for the board of aldermen, councilmen or other governing body in any such city having the control of the finances of said city to direct by resolution that all fees for licenses or permits of any sort or description required by law or by any ordinance or said city to be paid to the city clerk, or to be received by him, shall be paid by the applicants for such licenses or permits directly to the tax collector, collector of revenue or other officer collecting and receiving the taxes in said city, who shall receive the same and thereupon give his receipt therefor, specifying in said receipt the object or purpose for which the said license is to be issued or permit granted; and the receipt of said tax collector, collector of revenue or other officer collecting the taxes in said city shall be sufficient evi- Fees may be paid directly to tax collector or tax receiver.

dence in all courts and places of the payment of the fee or fees for such licenses or permits.

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

Approved March 20, 1895.

CHAPTER CXCVIII.

An Act to amend an act entitled "An act to enable second-class cities in this state to improve and extend the water-supply in said cities and to issue bonds for the payment thereof," approved March twenty-first, one thousand eight hundred and ninety-three.

Section to be amended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section six of the act entitled "An act to enable second-class cities in this state to improve and extend the water-supply in said cities and to issue bonds for the payment thereof," approved March twenty-first, one thousand eight hundred and ninety-three, be and the same is hereby amended so as to read as follows:

Governing body may issue bonds for improving and extending water supply.

6. *And be it enacted*, That the common council, board of aldermen or other governing body having control and management of the finances of said city, on the application of the governing body having the control and management of the water-supply in said city, be and hereby authorized and required, for the purpose of improving and extending such water-supply and the purchase and acquisition of land and water rights therefor and the construction of buildings and reservoirs thereon and the purchase and erection of pumps, machinery and other appliances and the laying of pipes in and along the streets of such city, to issue bonds in the name and under the seal of the city, to be denominated on their face "water bonds," in addition to any heretofore authorized by law, to any amount not exceeding

six hundred thousand dollars; such bonds may be registered or coupon bonds, and shall bear a rate of interest not exceeding five per centum and shall be redeemable at any time not less than five nor more than thirty years from their date, in the discretion of said board, which bonds may be sold at public or private sale for the best price they can obtain for the same, but not under the par value thereof; all bonds issued as aforesaid shall be signed by the city treasurer and countersigned by the mayor of such city, and all the real estate within such city shall be liable for the payment of the principal and interest that may become due on the bonds to be issued by virtue of this act. Character of the bonds. Shall not be sold for less than par.

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

Approved March 20, 1895.

CHAPTER CXCIX.

An Act to amend an act entitled "An act relating to cities of the third class.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in all cities of the third class in this state the city clerk shall be elected by the council or other governing body at their annual meeting or any other regular meeting thereafter, and said council or other governing body shall, by resolution or ordinance, fix the compensation of said city clerk and define his duties. Clerk shall be elected by governing body.

2. *And be it enacted*, That the term of office of the city clerk in all cities of the third class shall be three years. Term of office.

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

Approved March 20, 1895.

CHAPTER CC.

An Act to authorize township committees or other governing bodies of townships, villages or boroughs to raise, by taxation, moneys to establish or aid public libraries and free reading-rooms.

Governing body may raise money by taxation to aid public libraries and reading rooms.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the township committee or the boards of trustees or other governing body of any township or village or borough in this state, to raise by taxation any sum not exceeding one thousand dollars annually, to aid public libraries and free reading-rooms in any such municipality in this state, provided the same be first assented to by a majority vote of the legal voters of any such municipality, at their annual election.

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

Approved March 20, 1895.

CHAPTER CCI.

An Act in relation to the service of process in actions ex delicto upon residents of other states and upon non-resident receivers of foreign corporations.

How process may be served upon non-resident representatives.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in all cases in which mesne process shall issue out of the supreme court or circuit court of this state in actions ex delicto against any person, persons, corporations or receivers of

foreign corporations, who do not reside in this state but who own or control or have the custody of property, real or personal, situate in this state, and the cause of action arose in this state, and the plaintiff is a resident of this state, such process may be served upon the defendant or defendants therein named in the same manner as process may now be served on non-resident defendants in actions denominated local, the cause of which arose in this state; and the practice in all cases under this act shall be the same, as nearly as may be, as the practice provided for in the said local actions.

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

Approved March 20, 1895.

CHAPTER CCII.

An Act relating to towns and boroughs.

Council may condemn lands for the improvement of streets, etc.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the common council of incorporated towns and boroughs, by ordinance, to order and cause any street, road, highway or alley already laid out or any portion thereof to be vacated, straightened, altered or widened, and to take and appropriate for purpose of vacating, straightening, altering or widening any lands and real estate upon making compensation to the owner or owners thereof, in the manner now required by law.

Repealer.

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

Approved March 20, 1895.

CHAPTER CCIII.

A Supplement to an act entitled "An act to authorize a new publication of the public acts of the legislature of this state, and a subscription therefor on the part of this state," approved April fourth, one thousand eight hundred and ninety-four.

Section to be amended.

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

State treasurer may subscribe for copies.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the state treasurer be and he is hereby authorized and directed to subscribe for one thousand sets of the public acts of the legislature of this state, to be compiled and edited by Garret D. W. Vroom and William M. Lanning, which work shall contain all the public acts of the legislature of this state now contained in the "revision of the statutes of New Jersey," published in the year one thousand eight hundred and seventy-seven, and in the supplement to said "revision," published in the year one thousand eight hundred and eighty-seven, and the session laws passed and that shall be passed by the legislature of this state, between the first day of January, one thousand eight hundred and eighty-seven, and the close of the legislative session of the year one thousand eight hundred and ninety-five, which are general and permanent in their nature, and which shall be in force at the end of the said legislative session of the year one thousand eight hundred and ninety-five, together with abstracts from the public decisions of the courts of this state expounding or construing the same.

Section to be amended.

2. *And be it enacted*, That the second section of the

act to which this is a supplement be and the same is hereby amended so as to read as follows:

What the compilation shall consist of.

2. *And be it enacted*, That the said work shall consist of three volumes, as nearly equal in size as may be practicable, and shall be furnished with a full and complete general index of its contents, and with a list, alphabetically arranged, of the cases from which the abstracts of public decisions shall be made, and also a list, alphabetically arranged, of the legislative acts passed since one thousand eight hundred and seventy-five, not published in said work on account of their not being general and permanent in their nature or not being in force at the end of the legislative session of the year one thousand eight hundred and ninety-five; the said work shall correspond, in arrangement of statutes and mechanical execution, to the said "revision" published in the year one thousand eight hundred and seventy-seven.

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

Approved March 20, 1895.

CHAPTER CCIV.

A Supplement to an act entitled "An act to authorize the establishment of free public libraries in the cities of this state," approved April first, one thousand eight hundred and eighty-four.

Governing body may empower trustees to expend certain moneys.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That when, in the judgment of the board of trustees of the free public library in any city in this state, which city has accepted the provisions of the act to which this is a supplement, it is advisable to purchase lands, improved or unimproved, or to erect buildings thereon, or both, for the purposes of a free public library, or for the improvement and en-

largement of such library, and where the estimated cost thereof shall exceed the amount of the annual appropriation for library purpose in such city and the funds of such board of trustees then on hand, said board of trustees of such public library may certify to the common council or other board having charge and control of the finances of the city in which such free public library is situated, the amount of money necessary for the purpose of making such purchase of land or improvement thereof, and thereupon the common council or other board having charge and control of the finances of such city may by resolution, at its discretion, with the consent of the mayor of such city, authorize and empower the board of trustees of said free public library to expend such moneys as to the said common council or other board having charge and control of the finances may seem proper for such purposes, not to exceed, however, the amount certified as aforesaid by said board of trustees of the free public library, and upon the passage of such resolution the board of trustees of said public library shall be empowered and authorized by and with the consent of the mayor of any such city to purchase real estate and to erect buildings and make improvements thereto and to expend moneys therefor to the amount of such appropriation; *provided, however*, that no lands shall be purchased for the purpose of erecting thereon a free public library, except with the concurrence of the common council or other board having charge and control of the finances of such city, which concurrence shall be expressed by resolution of the said common council or other board having charge and control of the finances of such city, by and with the approval of the mayor thereof; the title of real estate so purchased shall be taken in the name of such city, and shall be exempt from taxation, but the use and control of the same shall be in such board of trustees of the free public library so long as it shall be used for free public library purposes.

Proviso.

Council may issue bonds

2. *And be it enacted*, That to defray the expense of such purchase and construction, or either, the said common council or other board having charge and control of the finances of such city is hereby authorized

and directed to issue the bonds of such city not to exceed in the aggregate the sum of one hundred and seventy-five thousand dollars, which bonds shall be of such denominations as the said common council or other board having charge and control of the finances shall direct; they shall be made payable within not more than thirty years nor less than ten years from the date of their issue; they shall bear such rate of interest not exceeding four per centum per annum, and be made payable as the said common council or other board having charge and control of the finances of any such city may determine; said bonds shall be negotiated and sold at not less than their par value; they shall be denominated "free public library bonds," and shall be signed as other municipal bonds of such cities are signed; *provided*, *however*, that no such bonds shall be issued until after the proposition to issue the same shall have been submitted by the said common council or other governing body of such city to a vote of the electors of such city at a general city election, and that by resolution such common council or other governing body shall prescribe the form of words to be written or printed on the ballots for and against the same.

Character and denomination of bonds.

Bonds shall not be sold for less than par.

Proviso.

3. *And be it enacted*, That for the redemption of the bonds issued pursuant to the provisions of this act, and to provide for the payment of the interest on said bonds, it shall be the duty of the board of trustees of such free public library, from the annual appropriation for the support of free public libraries therein (which appropriation is fixed by the act to which this is a supplement), to pay to the commissioners of the sinking fund, or other proper officer or officers having charge of the sinking fund of such city, the amount of interest on said bonds, together with three per centum for the purpose of a sinking fund, and the said sums so annually received for interest and sinking fund by the said commissioners of the sinking fund, or other officers, shall be applied by them to the payment of such interest and to the creation of a sinking fund to meet the said bonds when they shall fall due.

Trustees shall pay to sinking fund the amount of interest and a sum for the principal of the bonds.

4. *And be it enacted*, That when in any city the board of trustees of the free public library in any city

in this state, which city has accepted the provisions of the act to which this is a supplement, shall have on hand upon the passage of this act any moneys over and in excess of the sum annually appropriated to them in such city, and shall attempt to avail themselves of the privileges of this act, said board shall set aside such moneys to the fund established by this act; or the common council or other board having charge and control of the finances in any such city shall have the power, at their discretion, by and with the consent of the mayor of such city, to direct said board of trustees of the free public library in any such city to transfer to the commissioners of the sinking fund of any such city said moneys for the purpose of establishing a sinking fund as provided in section three of this act, in case the said board of trustees of the free public library in any such city avail themselves of the provisions of this act.

Repealer.

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

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

Approved March 21, 1895.

CHAPTER CCV.

An Act concerning cities.

1. BE IT ENACTED, *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the city council or other governing body of any city of this state to pass a resolution requiring the collector, or other officer of such city having charge of the collection of taxes, to pay to the city treasurer or other fiscal officer or department of such city all the moneys which may be collected for state and county taxes required to be assessed in such city, in which case, however, such city shall pay to the county collector of the county in which such city is located such state and county taxes out of the first moneys which it shall re-

ceive from the collection of taxes, and as soon as the same are collected.

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

Approved March 21, 1895.

CHAPTER CCVI.

An Act concerning boroughs.

Election may be held to determine whether incorporation shall be continued.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That a majority of the legal voters residing in any borough of this state may at any time present to one of the judges of the court of common pleas of the county within which such borough may be located a petition in writing, signed by a majority of said legal voters, requesting the designation of a time and place for the holding of an election in said borough to determine whether or not the said borough incorporation shall be continued.

Proceedings upon petition for election.

2. *And be it enacted*, That upon presenting said petition to said judge, with an affidavit accompanying the same that the said petition is signed by a majority of said legal voters, he shall thereupon designate in writing a time, not less than six days nor more than fifteen days from the presenting of said petition, and a place within said borough, for holding therein of an election by the legal voters residing therein to determine whether the said borough incorporation shall be continued or set aside; that at the time of granting said order the said judge shall appoint one judge and two inspectors of said election, who shall discharge the same duties imposed upon similar officers in general state elections, who shall receive the sum of three dollars each for serving at said election, which shall be paid from the township funds in which said borough is located.

When polls shall be opened and closed.

3. *And be it enacted*, That the polls of said election shall open at seven o'clock in the forenoon and close at seven o'clock in the evening.

4. *And be it enacted*, That notice of said election

Notice of election shall be advertised and posted.

shall, after signing of said order by said judge, be forthwith published in any newspaper circulating in said borough, which notice shall state the time, place and object of holding the same, and a similar notice shall be posted in five of the most public places in said borough, at least five days prior to said election, which notice shall be signed by the said judge of election and inspectors of election.

Majority vote shall be necessary.

5. *And be it enacted*, That if a majority of the votes cast in said election shall be in favor of a discontinuance of said borough incorporation, the said borough incorporation shall thereupon terminate, and the territory within the limits of said former borough shall become a part of the township within which it may be located in all respects as before the incorporation of said borough.

Bonded indebtedness shall remain a lien on property within the borough.

6. *And be it enacted*, That all bonded indebtedness of the said borough existing at the time of said discontinuance of borough incorporation shall remain a lien on the property within the limits of the said former borough to the same extent as during the existence of said borough, and the interest due on the said bonded indebtedness, and the accruing bonded debt shall be assessed within the limits of said former borough by the assessor of the township within which the said former borough is located as the same shall become due and accrued, and the said assessments shall be collected by the township collector and applied to the payment of the said indebtedness.

Debts, unpaid taxes, etc., shall be payable to township officer.

7. *And be it enacted*, That all debts and unpaid taxes and assessments due and owing the said borough shall, after the discontinuance of said incorporation, be payable to the proper fiscal officer of said township, who shall apply the money collected thereon to the use of the owners of the taxable property within said former borough as hereinafter set forth, and in case of the non-payment of any taxes, assessments or other money due and owing the said former borough, such proceedings shall be taken for the collection of the same as in the case of taxes, assessments or debts due said township, such proceedings to be in the name of and by the inhabitants of the township within which said borough was located

for the use of said former borough and the proceeds thereof shall be payable as hereinafter set forth.

Suits for existing causes of action and judgment against property within the borough may be instituted.

8. *And be it enacted*, That suit for all causes of action existing against said borough at the time of the discontinuance of said borough incorporation, may be instituted in any court of this state having jurisdiction of the same against the inhabitants of the township within which said borough was located, and any judgment obtained thereon shall be satisfied by an assessment made upon the taxable property within said former borough.

Township committee may sell public property of borough.

9. *And be it enacted*, That the said township committee shall have power, after the discontinuance of said borough incorporation, to sell and dispose of, either at public or private sale, all real estate owned by said former borough, and to execute and deliver a proper deed therefor; all personal property owned by said former borough at the time of the discontinuance of said borough incorporation may be sold, either at public or private sale, by the said township committee, and the proceeds arising from the sale thereof shall be applied by the township collector on account of the taxes assessed on the taxable property within said former borough according to the respective assessments thereon, and all moneys accruing from said sales or from other assets of said former borough shall be applied by said collector in the same manner from year to year until the same is expended fully, as aforesaid.

Proceeds to be applied on account of taxes assessed.

Township committee shall pay legal claims and assess the same on property within the borough.

10. *And be it enacted*, That it shall be lawful for the township committee of the township within which said borough was located to order paid all legal claims against said former borough, and the same shall be paid in the same manner as claims against townships are paid; and the money so paid shall be assessed on the taxable property within the limits of said former borough, and when collected shall be paid into the general fund of said township.

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

Approved March 21, 1895.

CHAPTER CCVII.

An Act concerning the terms of certain officers of certain cities of the second class.

Term of certain officers limited.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in all cities of the second class in this state having a population of less than thirty-five thousand where the charter of such city shall provide for the election or appointment of certain officers of such city by the common council, board of aldermen or other legislative body thereof, it shall be unlawful for such common council, board of aldermen or other legislative body to elect or appoint any such officer for a longer term than the length of the term for which the members of said common council, board of aldermen or other legislative body are themselves elected.

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

Approved March 21, 1895.

CHAPTER CCVIII.

An Act to regulate the manner of making street improvements in cities of the third class in this state.

Owners shall first have opportunity to make improvements at their own expense.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in all cases when streets or avenues are ordered to be opened, graded or paved, or when sidewalks are ordered to be made, that it shall be lawful for the board of aldermen, councilmen or other governing body of any city of the third class in this state to cause said streets or avenues to be opened, graded and paved, and to lay sidewalks and set curbstones and gutters by contract, to be awarded to the lowest responsible bidder, without first

requiring the property owners along the line of saip improvement or improvements to do said work at their own expense.

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

Approved March 21, 1895.

CHAPTER CCIX.

An Act to authorize the issue of bonds for building public bridges in second-class counties.

Chosen freeholders may issue bonds.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the board of chosen freeholders of any county of the second class in this state, for the purpose of building any new public bridge or bridges in said counties, to issue bonds in the corporate name and under the corporate seal of any said county, signed by the director and the clerk of the board of chosen freeholders of such counties and countersigned by the county collector thereof, to be denominated on their face bridge bonds, to an amount not exceeding one hundred and fifty 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 such county, which bonds may be sold at public or private sale for the best price they can obtain for the same, but shall not be sold for less than 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 and character of the bonds.

Shall not be sold for less than par.

Board shall provide for payment by taxation

2. *And be it enacted*, That the board of chosen freeholders of any county of the second class that shall issue bonds by virtue of this act, shall have power and authority to provide by taxation for the payment of said bonds and the interest thereon, and shall yearly and every year, until the said bonds shall be redeemed

and paid off, order and cause to be assessed and collected by tax at the same time and in the same manner as other taxes are assessed and collected in such counties, a sum of money sufficient to pay the interest on the said bonds as the same shall become due and payable, and to pay and discharge the principal at the several times it shall become due and payable.

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

Approved March 21, 1895.

CHAPTER CCX.

An Act respecting the paving and repaving of streets, avenues and public highways in cities of the first class in this state, and providing for the payment of assessments for especial benefits to property benefitted thereby and the payment of contractors supplying the work and material therefor.

How the improvement shall be paid for.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That when the board or body having control of the streets and highways of any city of the first class of this state shall by ordinance provide for the paving or repaving of any street, avenue or public highway in such city under the provisions of this act, and shall enter into a contract for the work and material or any part thereof necessary or convenient for carrying out the provisions of such ordinance and for the performance of the work therein provided for, it shall be the duty of such city to pay for such work and material in the manner following: twenty-five per centum of each payment made pursuant to the terms of every such contract may be paid in current funds from the capital fund account for paving and repaving in such city, or from such other fund as may be provided therefor; the remaining seventy-five per centum shall be paid in current funds from the sale of temporary loan bonds, to be issued by the common council or other body having charge of the finances of

such city and which bonds shall upon their face indicate that they are issued for street paving and repaving; and it shall be the duty of the proper officers of such city to keep a record of all temporary loan bonds issued under the authority of this act and the time and place of payment, both of principal and interest, and make proper provisions for the payment of the same as herein provided; said bonds shall bear interest at a rate not exceeding five per centum per annum, and shall be payable at the expiration of not more than five years from the date of issue.

Assessment shall be payable in installments.

2. *And be it enacted*, That hereafter assessments upon property especially benefited by the paving or repaving of any street, avenue or public highway in any city of the first class in this state, made under an ordinance as herein provided, shall be payable in five installments, the first on or before forty days from the date of the confirmation of such assessment, the second, third, fourth and fifth in one, two, three and four years after date of such confirmation respectively; the first installment of such assessment to be paid by the owner of property especially benefited shall equal one-fifth of the total assessment upon said property; the second shall be for a like amount, together with interest computed at five per centum per annum upon the unpaid balance of such assessment, and each succeeding installment shall be for one-fifth of the amount of the original assessment, together with interest computed at the rate of five per centum per annum upon the unpaid balance of the assessment; the owner of the property so assessed for especial benefits may, at his option, pay the whole of the assessment on or before forty days from the date of its confirmation or at any time thereafter, with interest at five per centum, instead of installments as herein provided for; in case any installment of such assessment is not paid by the owner of property assessed for especial benefits at the time when the same is due and payable, then and in that case interest upon such installment shall thereafter be computed at the rate of ten per centum per annum; no property so assessed for especial benefits shall be sold for the non-payment of such assessment or any installment

When property may be sold for assessments.

thereof, and no proceedings shall be taken to enforce the collection of such installments so due and unpaid until four years from the date of confirmation of said assessment, at which time, however, it shall be the duty of the comptroller and other proper officers of the city to cause such assessments to be collected in the same manner as assessments are now collected for like street improvements in said city.

Amount unassessed upon property benefitted shall be charged to capital fund account.

3. *And be it enacted*, That when the commissioners of assessment or other body charged with making an assessment upon the property especially benefited by such paving or repaving shall have made its assessment, and the same shall have been confirmed, the amount remaining and unassessed upon property especially benefited and thereby charged to the city at large, shall be charged to and deducted from the capital fund account for paving and repaving in such city, or from such other fund as may be provided therefor, and there shall be credited back to said fund the twenty-five per centum of the cost of such improvement if theretofore charged against such fund for paving and repaving in such city or such other fund as may be provided therefor; and in case the amount so charged to said capital or other fund for paving or repaving in such city shall exceed the twenty-five per centum of the cost of such improvement, such excess shall be pledged to and used for the redemption of temporary loan bonds issued for said improvement; and in case the amount so charged as aforesaid shall be less than twenty-five per centum of the cost of the said improvement, then said difference shall be made good to the capital fund account from the proceeds of the sale of temporary loan bonds of the same character as those hereinbefore provided for; and all moneys received from the assessments of especial benefits or the installments thereof shall be pledged and used for the redemption of the outstanding temporary loan bonds issued as aforesaid.

Difference shall be made good by sale of bonds.

Proceedings shall refer to the number of this act.

4. *And be it enacted*, That all written or printed proceedings had under the provisions of this act shall refer to the number of the chapter of this act in the laws of this state.

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

Approved March 21, 1895.

CHAPTER CCXI.

An Act to provide for the incorporation of pathological and anatomical associations for the advancement of medical and surgical science.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That any three or more physicians duly authorized and licensed to practice medicine under the laws of the state of New Jersey, who shall desire to associate themselves together for the purpose of pathological and anatomical study and the advancement of medical and surgical science may make, record and file a certificate in writing in manner hereinafter mentioned. Three or more physicians may form association.

2. *And be it enacted*, That such certificate in writing shall set forth: What the certificate shall set forth.

I. The name or title assumed to designate such association;

II. The place or places in this state where the purposes of such association are to be carried out;

III. The purposes for which the association shall be formed;

IV. The names of the governors or directors who shall manage its affairs for the first year of its existence.

3. *And be it enacted*, That such certificate shall be proved or acknowledged and recorded, as is 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 proved, acknowledged, recorded and filed

shall be filed in the office of the secretary of state; the said certificate, or a copy thereof, duly certified by said clerk or secretary, shall be evidence in all courts or places.

Certified copy shall be received in evidence.

Association shall be a body politic and corporate.

4. *And be it enacted*, That upon making such certificate and causing the same to be recorded and filed as aforesaid, the said physicians so associating, their successors and assigns, 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 and power to sue and to be sued, plead and be impleaded, answer and be answered unto, in all courts and places whatsoever, to make and use a common seal, and the same to use at pleasure and take, have, hold, receive and enjoy any lands, tenements or hereditaments in fee simple or otherwise, and any goods, chattels or property of any description, real or personal, and whether acquired by gift, grant, devise, bequest or otherwise, and the same to grant, convey, lease, assign, sell or otherwise dispose of for the purposes of said association.

Directors may make by laws, etc.

5. *And be it enacted*, That the directors or governors of such association shall have power from time to time to make, alter and amend by laws not inconsistent with the constitution of the United States or of this state, fixing or altering the number of its governors or directors for the management of its property and the regulation and government of its affairs and providing for the mode of filling vacancies in and removing any member from their number and prescribing qualifications for membership of the association and to appoint such agents and officers as shall in their judgment tend to promote or advance any purpose of the association and to prescribe their respective duties.

Directors shall receive no compensation for services.

6. *And be it enacted*, That no governor or director of any association organized under this act shall receive, directly or indirectly, any salary or emolument from such association, nor shall any compensation whatever be voted, allowed or paid by the governors or directors thereof, to any governor or director for services, either as governor or director, or in any other capacity.

7. *And be it enacted*, That the property of any asso-

ciation organized under this act and held for its purposes to an amount not exceeding five thousand dollars shall not be liable to the imposition of any taxes.

Amount of property of association exempt from taxation.

8. *And be it enacted*, That whenever an association shall be formed or organized under this act in any county of this state, all public officers, agents and servants and all officers, agents and servants of any such county or of any city, township, borough, district and other municipality and of any and every almshouse, prison, morgue, hospital or other public institution in such county, having charge or control over dead human bodies, required to be buried at the public expense, are hereby required to notify the president or other head officer of any such association or such person or persons as may, from time to time, be designated by said association as its duly-authorized officer or agent, whenever any such body or bodies come to his or their possession or control, and shall, if such association or its duly-authorized officer or agent request it, without fee or reward, deliver such body or bodies, and permit such association and its duly-authorized officers or agents, who may comply with the provisions of this act, to take and remove all such bodies, to be used within this state for the advancement of medical and surgical science; but no such notice need be given, nor shall any such body be delivered, if any person claiming to be, and satisfying the authorities in charge of said body that he or she is, of kindred or is related by marriage to the deceased, shall claim the said body for burial, but it shall be surrendered for interment; nor shall the notice be given or body delivered, if such deceased person was a traveler who died suddenly, in which case the said body shall be buried.

Public officials may deliver dead bodies in their possession to authorized agent of association.

Kindred or relation may claim body.

9. *And be it enacted*, That the said association may employ a carrier or carriers for the conveyance of said bodies, which shall be well inclosed within a suitable encasement and carefully deposited free from public observation; the drivers or persons in charge of such carrier or carriers shall obtain receipts by name, or, if the person be unknown, by a description of each body delivered by him, and shall deposit said receipts with

Association may employ a carrier.

the person or persons in charge of the institution from which the said body was taken.

Association must first give bond with approved security.

10. *And be it enacted*, That no association organized under this act shall be allowed or permitted to receive any such body or bodies until a bond shall have been given to the state of New Jersey by the said association, with two or more sureties, to be approved by the clerk of the court of common pleas of the county in which such association shall be organized, and shall be filed with the said clerk of said court, which bond shall be in the penal sum of one thousand dollars, conditioned that all such bodies which the said association shall receive shall be used only for the promotion of medical and surgical science within this state; and whosoever shall sell or buy such body or bodies, or in anyway traffic in the same, or shall transmit or convey, or cause or procure to be transmitted or conveyed, said body or bodies to any place outside this state, shall be deemed guilty of a misdemeanor, and shall, on conviction thereof, be punished by a fine not exceeding two hundred dollars or be imprisoned at hard labor for a term not exceeding one year, or both, at the discretion of the court.

Penalty for trafficking in bodies.

Expenses shall be paid by association.

11. *And be it enacted*, That neither the state nor any county or municipality, nor any officer, agent or servant thereof, shall be at any expense by reason of the delivery or distribution of any such body or bodies, but all the expense thereof shall be paid by the association receiving said body or bodies.

When board of distribution shall be appointed.

12. *And be it enacted*, That whenever more than one association shall be organized under this act within the same county it shall become the duty of the board of governors or directors of each association so as aforesaid organized within the same county to appoint two of their own number, who together shall constitute a board of distribution of dead human bodies, subject to delivery to such associations under the provisions of this act, which board of distribution shall be notified, as provided in the eighth section of this act, whenever any body or bodies may be subject to delivery under the provisions of this act, and it shall be the duty of said board of distribution to distribute the bodies which may

from time to time be so delivered to it under the provisions of this act equally and in just rotation among the different associations organized under this act.

Lawful to receive bodies from any county in the State.

13. *And be it enacted*, That it shall be lawful for any association organized under this act to apply for and to receive from any county in this state dead human bodies, which may be required to be buried at the public expense and which shall not be claimed by any kindred or relation, as provided in the eighth section of this act, and it shall be lawful for any public officer or agent or any person in charge of a public institution as enumerated and set forth in the eighth section of this act, to deliver such human body or bodies under the restriction of said eighth section of this act, to any association organized under this act in any county in this state; *provided, however*, that when any such association shall have been organized in any county, no body or bodies shall be removed to another county without the association or associations within said county having had an opportunity to receive said body or bodies.

Proviso.

Penalty for failure to perform duties.

14. *And be it enacted*, That any person having duties enjoined upon him by the provisions of this act who shall neglect, refuse or omit to perform the same as hereinbefore required, shall, on conviction thereof, be liable to a fine of not less than ten dollars nor more than one hundred dollars for each offence.

Repealer.

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

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

Approved March 21, 1895.

CHAPTER CCXII.

An Act to amend an act entitled "A supplement to an act entitled 'An act for the formation and government of boroughs,' approved April second, one thousand eight hundred and ninety-one," which supplement was approved March seventh, one thousand eight hundred and ninety-three.

Section to be amended.

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

Proceedings heretofore taken legalized.

10. *And be it enacted*, That if any borough which is incorporated under the act to which this act is a supplement shall have heretofore constructed, under contract made by the mayor and council of said borough, a sewer, which has, in fact, been accepted by the mayor and council of said borough, and for the payment of the cost of construction of which bonds of said borough have been issued, or shall have begun proceedings for the purpose of constructing sewers or drains, as they are empowered by said act to do, all such proceedings, including the assessment to provide for the payment and redemption of said bonds heretofore made, or that may be made in conformity with this act so far as the same is applicable thereto, shall have as full legal effect as if they had been taken in conformity with all the provisions of said supplemental act.

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

Approved March 21, 1895.

CHAPTER CCXIII.

An Act concerning registrar of vital statistics in cities of the second class in this state.

City clerk shall be registrar of vital statistics.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in all cities of the second class of this state having over fifty thousand inhabitants the clerk of the city council, board of aldermen or other governing body shall be registrar of vital statistics.

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

Approved March 21, 1895.

CHAPTER CCXIV.

An Act to provide means to increase the fish production of the waters of this state.

Appropriation for continuing the work.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That for the purpose of continuing the work of stocking the waters of this state with food fishes, there is hereby appropriated the sum of five thousand dollars, which, or any portion thereof necessary, shall be paid by the state treasurer, on the warrant of the comptroller, with the assent of the governor, to the fish and game commissioners of this state upon their request, to be by them expended in defraying the cost of leasing and maintaining a hatchery, and for procuring, hatching and distributing valuable food fishes to stock the rivers, streams, lakes and ponds of this state, and for such other purposes as they may

deem advisable to restore and increase the fish production of the waters of this state; *provided*, one thousand dollars of this appropriation be expended for the propagation of shad in the Delaware river; *and provided*, that for all moneys expended by said fish and game commissioners vouchers shall be filed with the comptroller, verified as said comptroller shall direct.

Proviso.

Proviso.

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

Approved March 21, 1895.

CHAPTER CCXV.

An Act to amend an act entitled "An act for the protection of shad, sturgeon and game fish in the river Delaware.

Section to be amended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section two of an act entitled "An act for the protection of shad, sturgeon and game fish in the river Delaware," approved the twenty-second day of May, one thousand eight hundred and eighty-nine, which reads as follows:

"2. *And be it enacted*, That hereafter no person or persons shall cast, set, draw, fasten or otherwise make use of any fyke-net, or nets of any kind or device, made from cotton or flax-twine or wire-netting similar to a fyke-net, for the purpose of catching fish in the Delaware river above Trenton falls at any time in any year; every person so offending shall be guilty of a misdemeanor, and on conviction therefor shall be punished by a fine not exceeding one hundred dollars or by imprisonment in the county jail for a term not exceeding six months, or both, at the discretion of the magistrate or court before which such offender or offenders shall be convicted, and the net or nets, devices or appliances used shall be destroyed by the officer making the

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

Penalty for using certain kinds of nets at any time.

2. *And be it enacted*, That hereafter no person or persons shall cast, set, draw, fasten or otherwise make use of any fyke-net, or nets of any kind or device, made from cotton or flax-twine or wire netting similar to a fyke-net, for the purpose of catching fish in the Delaware river above Trenton falls at any time in any year; every person so offending shall be guilty of a misdemeanor, and on conviction therefor shall be punished by a fine of one hundred dollars, or by imprisonment in the county jail for a term not exceeding six months, and the net or nets, devices or appliances used shall be destroyed by the officer making the arrest.

Section to be amended.

2. *And be it enacted*, That section four of said act, approved the twenty-second day of May, one thousand eight hundred and eighty-nine, which reads as follows:

"4. *And be it enacted*, That it shall be unlawful for any person or persons to place, build, erect, fasten or use any fish-baskets, gill-nets, pound-nets, fyke-nets, eel-weirs, kiddles, brush or facine-nets, or any permanently set means for taking fish in the river Delaware above Trenton falls; nor shall any person at any time affix any nets, fish-baskets, fyke-nets, eel-racks or any kind of appliances or set means of taking fish to any wing-walls in the river Delaware above Trenton falls; nor shall any person or persons erect, build or place, or cause to be erected, built or placed, any wing-wall or walls of stone, or of any other substance or material, in the river Delaware above Trenton falls for the purpose of affixing, adjusting, placing or setting thereto, or adjacent thereto, any of the above-mentioned illegal devices, contrivances or appliances for taking fish; any person violating the provisions of this law shall be fined fifty dollars for the first offense, and be liable to imprisonment for one month in the county jail, or both, at the discretion of the magistrate before whom the offender is convicted, and any person or persons so offending a second time shall be liable to a fine of one hundred dollars and imprisonment for three months in the county jail," be and the same is hereby amended to read as follows:

Fish-baskets and other contrivances prohibited.

4. *And be it enacted*, That it shall be unlawful for any person or persons to place, build, erect, fasten or use any fish-baskets, gill-nets, pound-nets, fyke-nets, eel-weirs, kiddles, brush or facine-nets, or any permanently set means for taking fish in the river Delaware above Trenton falls; nor shall any person at any time affix any nets, fish-baskets, fyke-nets, eel-racks, or any kind of appliances or set means of taking fish to any wing-walls in the river Delaware above Trenton falls; nor shall any person or persons erect, build or place, or cause to be erected, built or placed, any wing-wall, or walls of stone or of any other substance or material, in the river Delaware above Trenton falls, for the purpose of fixing, adjusting, placing or setting thereto, or adjacent thereto, any of the above-mentioned illegal devices, contrivances or appliances for taking fish; any person violating the provisions of this law shall be fined fifty dollars for the first offense, and be liable to imprisonment for one month in the county jail, and any person or persons so offending a second time shall be fined one hundred dollars and imprisoned for three months in the county jail.

Section to be amended.

3. *And be it enacted*, That section seven of said act, approved the twenty-second day of May, one thousand eight hundred and eighty-nine, which reads as follows:

"7. *And be it enacted*, That no person shall catch or kill in the Delaware river any black bass or wall-eyed pike under six inches in length, or any rock bass under five inches in length, under a penalty of ten dollars for every fish so caught; but should any such fish be taken of less size than the above, or should any wall-eyed pike or rock bass of any size be taken within two years from the passage of this act, it shall be the duty of any one taking or capturing the same to return the fish immediately to the water from whence taken; any violation of this law shall subject the offender to a penalty of ten dollars for each and every fish so caught," be and the same is hereby amended to read as follows:

Penalty for taking certain fish under a certain size.

7. *And be it enacted*, That no person shall catch or kill in the Delaware river any black bass or wall-eyed pike under nine inches in length, or any rock bass under five inches in length, under a penalty of ten dol-

lars for every fish so caught; but should any such fish be taken of less size than the above, or should any wall-eyed pike or rock bass of any size be taken within two years from the passage of this act, it shall be the duty of any one taking or capturing the same to return the fish immediately to the water from whence taken; any violation of this law shall subject the offender to a penalty of ten dollars for each and every fish so caught.

Section to be amended.

4. *And be it enacted*, That section nine of said act, approved the twenty-second day of May, one thousand eight hundred and eighty-nine, which reads as follows.

"9. *And be it enacted*, That any fish commissioner, fish warden, deputy warden, sheriff, deputy sheriff, constable, policeman, or any special officer of this commonwealth, is hereby authorized to destroy any fish-basket, eel-weir, fyke-net, pound-net, shore-net, drift-net, dip-net, wing-wall or wing-walls, or any illegal devices named in any section of this act, and they are hereby authorized to arrest forthwith any person placing, erecting, using or fastening them; any person or persons interfering with any of the above officers in the discharge of their duties, or resisting arrest, shall pay a fine of one hundred dollars and be imprisoned three months in the county jail, or shall be subject to both penalties at the discretion of the magistrate or court before which he or they shall be convicted," be and the same is hereby amended to read as follows:

Commissioner, wardens and civil officers authorized to destroy prohibited contrivances and to arrest persons using them.

9. *And be it enacted*, That any fish commissioner, fish warden, deputy warden, sheriff, deputy sheriff, constable, policeman, or any special officer of this commonwealth, is hereby authorized to destroy any fish-basket, eel-weir, fyke-net, pound-net, shore-net, drift-net, dip-net, wing-wall or wing-walls, or any illegal devices named in any section of this act, and they are hereby authorized to arrest forthwith any person placing, erecting, using or fastening them; any person or persons interfering with any of the above officers in the discharge of their duties, or resisting arrest, shall pay a fine of one hundred dollars and be imprisoned three months in the county jail.

Penalty for resisting officers.

When act shall become operative.

5. *And be it enacted*, That provided the alterations and amendments herein provided for shall not be opera-

tive until the legislature of the state of Pennsylvania shall approve the same in whole or in part by enacting laws similar in effect as herein provided.

Approved March 21, 1895.

CHAPTER CCXVI.

An Act to provide for the fitting commemoration of the part played by the New Jersey troops in the campaigns of Chattanooga and Chickamauga and for suitable representation of the state at the national dedication of the Chattanooga and Chickamauga national military park on September nineteenth and twentieth, one thousand eight hundred and ninety-five.

Commissioners shall mark position occupied.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the commissioners who may have been heretofore or who may be hereafter appointed under and by virtue of the provisions of chapter one hundred and twenty-one of the laws of one thousand eight hundred and ninety-four, shall suitably mark by tablets the positions occupied by each regiment, battery and independent organization from the state of New Jersey, in the battles which took place during the campaigns of Chattanooga and Chickamauga.

Provision for expenses of state representatives at dedication.

2. *And be it enacted*, That in order that the state of New Jersey may be suitably represented at the national dedication of the Chattanooga and Chickamauga military park on September nineteenth and twentieth, one thousand eight hundred and ninety-five, the commissioners previously referred to in this act are hereby authorized and directed to furnish suitable transportation and hotel accommodations for the governor of the state and his staff, such state officers as the governor

may designate, the president of the senate and two members of the senate, to be designated by the president, the speaker of the house of assembly and four members of the house of assembly, to be designated by the speaker, to and from the said Chattanooga and Chickamauga military park.

Appropriations.

3. *And be it enacted*, That in order to defray the expenses incurred by the commissioners in carrying into effect the provisions of this bill, the sum of two thousand five hundred dollars, or so much thereof as may be needed, is hereby appropriated out of any moneys in the hands of the treasurer not otherwise appropriated, which said sum or so much thereof as may be needed shall be paid to the said commissioners upon the warrant of the comptroller.

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

Approved March 21, 1895.

CHAPTER CCXVII.

An Act respecting the paving, repaving, grading, curbing, sewering and otherwise improving of streets and public highways in cities of the first class in this state, and providing for the payment of the same, and further providing that the assessments upon property for special benefits shall be payable in full or on installments, at the option of the property owner.

Further powers conferred upon board of streets and highways.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in addition to any power now vested in any board or body having control of the streets and highways of any city of the first class of this state, said board or body shall have further power, either upon the application of any owner or owners of property liable to assessment for any contemplated improvement, or in their discretion, to pave, re-

pave, grade, curb, sewer or otherwise improve any street, avenue or public highway in such city under the provisions of this act, and all proceedings taken hereunder shall refer to this act by its chapter number, and this act shall not be exclusive, nor affect the right of such board or body to proceed as heretofore under existing laws governing the subject-matter named in the title and sections of this act.

Proceedings shall refer to this act.

When improvement is contemplated specifications shall be prepared and filed.

2. *And be it enacted*, That when in the judgment of said board or body it is desirable that any improvement contemplated by this act should be made, then said board or body may direct their proper officers to prepare specifications describing therein the location and character of such improvement, together with a preliminary estimate of the amount of materials required therefor, which when so prepared, presented to and adopted by said board or body shall be filed, and upon the filing thereof the officer or officers now performing a similar duty in such city shall cause to be placed in the daily official newspapers of said city for five consecutive insertions, and in any weekly official newspapers in said city for one insertion, an advertisement soliciting proposals for the doing of the work and for the furnishing of the materials necessary to complete the improvement, and when such proposals shall be presented said board or body may, at the time of such presentation, or at any time thereafter, not exceeding six months, at some public meeting of said board, either reject any or all of said proposals or proceed to award a contract therefor in such manner as is now prescribed by law in any said city for the making of improvements where the cost thereof, either in whole or in part, is payable by assessments for special benefits on property benefited thereby; which award of contract shall be provisional and shall impose no duty or liability upon such city, unless it shall be finally made by such board or boards, as hereinafter provided.

Proposals shall be advertised for.

Award shall be made at public meeting of board.

Map shall be made and objections heard at a meeting to be advertised in the newspapers.

3. *And be it enacted*, That when a contract shall be awarded provisionally as herein provided, such board or body shall cause to be prepared by the commissioners of assessments or the officer or officers now performing a similar duty in such city, a preliminary sketch or map

based upon said award of such contract and the amount of materials estimated as aforesaid, which shall show the probable total cost of such contemplated improvement and the probable amount to be assessed upon the property specially benefited thereby; and upon the filing of such preliminary sketch the officer or officers now performing a similar duty in such city shall thereupon cause to be published in the official newspapers of such city a notice to parties interested in said proposed improvement of the time and place for hearing parties in objection thereto; said notice shall be inserted in the official daily newspapers of such city for a period of five days, and in any weekly official newspaper for one insertion, all prior to the time named in said notice for such hearing; and at such time and place said board or body shall proceed to hear and adjudicate upon any objections which may be presented, and no improvement shall be proceeded with under the provisions of this act, if objections thereto, in writing, are presented to said board or body representing properties liable to more than one-half of the probable assessment for said improvement, on the basis of the preliminary sketch; in case objections shall not be so presented, or if, in the opinion of said board or body, a sufficient reason has not been presented for stopping said improvement, an award of such provisional contract shall be then finally made; *provided*, *however*, that in case a contract is now required to be concurred in by the board or body now having a concurring power in the award of contracts relating to assessable improvements, such concurrence shall not be dispensed with. Proviso.

4. *And be it enacted*, That it shall be the duty of the said city to pay for such work and materials by temporary bonds or improvement certificates, which bonds or certificates shall, upon their face, indicate the improvement for the payment of which and the date of the contract in pursuance of which they are so issued, by virtue of the provisions of this act; and it shall be the duty of the proper officer or officers of such city to keep a record of all bonds or certificates so issued, which said bonds or certificates shall be payable at the option of the city, and within six years from the date Temporary bonds or certificates may be issued in payment. Bonds or certificates shall be recorded.

thereof, and shall bear interest at a rate not exceeding five per centum per annum, payable semi-annually, from the first day of January or July next succeeding the day of issue; that the said bonds or certificates shall, as far as practicable, be issued in sums and for amounts of one hundred dollars and multiplies thereof, and shall be negotiable, and shall not be subject to defense by the city causing the same to be issued, except such defense as might be interposed to the payment of bonds issued in such city for like improvements, and such bonds or certificates shall not be subject to taxation in the hands of the holder; and in case the amount assessed for special benefits on the property specially benefited does not equal the whole cost of the improvement, and any portion of the cost of such improvement is required to be borne by the city at large, said city shall provide for the payment thereof in such manner as is now provided by law in such city for payments where any part of the cost of an improvement, proposed to be paid by assessments upon property specially benefited, is placed upon the city at large.

Character and denomination of bonds or certificates.

Shall not be taxable.

Board shall file statement of cost of improvement.

5. *And be it enacted*, That upon the completion of the work done by contract as herein provided, the said board or body having control of streets and highways in such city shall cause to be filed with the commissioners of assessments or the officer or officers now levying assessments upon property specially benefited by an improvement, a statement showing the entire cost of said improvement, and such commissioners of assessments or officer or officers shall proceed to make the assessment, and prepare a report and map showing the benefit to each lot or parcel of land which is specially benefited by reason of the making of the improvement; and said assessment, when so made, shall be filed with the clerk of the board or body making the improvement, whereupon notices by publication shall be given to the owners of the property liable to assessment for said improvement, which said notices shall name the time and place for the hearing of objections, and shall be published in such manner and for such length of time as heretofore provided in this act for the notice of hearing the preliminary map or sketch, and

Commissioners shall make assessment and prepare report and map.

Hearing of objections shall be advertised.

at the time and place so fixed in said notice, said board or body shall then proceed to hear and adjudicate upon all objections which may be presented in writing against the confirmation of final assessment, and said board or body shall have the authority to confirm the same as a whole or refer the same back to the said commissioners of assessments, officer or officers making the same for further consideration, and the proceedings thereon shall be conducted in the same manner as the making of the original assessment, and the final action thereon shall be shown in the resolution of confirmation; and a copy of said final assessment map, on which shall be stated the date of confirmation, shall be then filed with the officer or officers upon whom devolves the duty of collection of assessments in any such city.

Final assessment shall be filed.

6. *And be it enacted*, That after the confirmation of the said assessment as herein provided, the property owner or owners shall have five years from the date when the annual tax is payable next after the making of the aforesaid assessment in which to pay for the said improvement; the amount assessed against each piece of property shall bear interest at the rate of six per centum per annum from the date of confirmation; and such payment may be made immediately after confirmation or in five equal annual installments as follows: the first installment is to be due and payable when the annual tax is payable next after the making of the aforesaid assessment and confirmation, and each installment thereafter shall be due and payable on and after the date of payment of annual taxes of each year in said city, together with interest computed at the rate aforesaid upon the unpaid balance of such assessment; and the property owner or owners shall at any time after the aforesaid confirmation have the right to pay the said assessment or any amount remaining unpaid thereon with interest as aforesaid from the date of confirmation to date of payment; all payments herein provided for shall be paid to the official or officials authorized to receive the payment of assessments in such city.

Owners shall have five years in which to pay assessment.

Assessment shall bear interest.

When installment shall be due.

7. *And be it enacted*, That all property against which such assessment is made shall be subject, as to each annual installment, to the laws now in force for the

Property liable shall be subject to existing laws.

collection of taxes and assessments, and all such assessments and installments shall be enforced and collected in the manner now or hereafter provided by law for the collection of taxes and assessments; and it shall be lawful for such city, through its proper board, to provide by ordinance or resolution for such enforcement and collection, in accordance with the provisions of this act and the laws of this state.

Proceedings necessary to having advantages of this act.

8. *And be it enacted*, That in order to take advantage of the provisions of this act, and put and keep the same in operation in such city, such board or body ordering the contract work herein authorized shall pass a resolution, including therein an itemized statement of the cost of advertising done as herein directed, and any and all costs not herein mentioned, and which may have been necessarily incurred to carry out the provisions of this act, which statement shall not include any amount of said cost as before referred to, which represents any amount placed upon the city at large by reason of the assessments on property specially benefitted by the improvement not equaling the cost of the improvement, and shall forward such resolution and statement to the board or body in such city having the control of the finances thereof; and such last-named board or body shall borrow such sum or sums of money so included in such resolution and statement in anticipation of the collection of taxes to be thereafter levied, and to issue evidences of indebtedness therefor at a rate of interest not exceeding five per centum per annum; *provided*, that any money borrowed as aforesaid shall be met and paid by an appropriation to that board having borrowed the money as aforesaid, the same to be placed in the tax levy next thereafter to be levied in any such city.

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

Approved March 21, 1895.

CHAPTER CCXVIII.

A Supplement to the act entitled "An act to provide for the regulation and incorporation of insurance companies," approved April ninth, one thousand eight hundred and seventy five.

Foreign live-stock insurance companies may be admitted upon complying with certain conditions.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That any insurance company not organized under the laws of this state and doing business under or by virtue of the laws of any other state or territory of the United States or District of Columbia or foreign country for the purpose of insuring the lives of domestic animals upon the mutual or co-operative assessment plan, may be admitted to transact business in this state by obtaining a certificate of authority from the commissioner of insurance of this state as hereinafter provided; such foreign corporation or association shall furnish to the commissioner of insurance of this state satisfactory evidence that such company has bona fide insurance in force among its members to the amount of not less than three hundred thousand dollars, and shall furnish to the commissioner of insurance of this state a certified copy of its articles of association or charter and its by-laws, together with a sworn statement of its business of the preceding year, giving in detail the same information as is required by annual statements of like corporations organized under the laws of this commonwealth, together with a copy of its certificate or policy and certificates under oath of its president and secretary that it has in force policies of insurance on which the proceeds of one assessment not exceeding in amount one and one-half per centum of the face value of policy will pay the highest amount insured upon the life of each animal for which the assessment is levied; the full amount agreed to be paid upon the death of any one animal, and that it is pay-

ing, and for the twelve months preceding has paid, the highest amount named in its policies or certificates in full; such foreign corporation or association shall also appoint some citizen and resident of this state its attorney, upon whom all process against said corporation or association may be served, and shall also agree that such service may be made upon the commissioner of insurance of this state, who shall be deemed its agent for that purpose, and shall also file with the commissioner of insurance for this state a certified copy of resolution adopted at a special or regular meeting of the board of directors of the corporation or association authorizing the appointment of such attorney; and such agent or commissioner shall immediately mail to the secretary of the corporation or association a certified copy of the process thus served; such foreign corporation or association shall also furnish to the commissioner of insurance of this state a certificate from the insurance department, if any, of its home state or territory of the United States, or District of Columbia, or foreign country, that it is authorized to do business in such home state or territory of the United States, or District of Columbia, or foreign country.

When conditions have been complied with and fee paid certificate may issue.

2. *And be it enacted*, That upon compliance with the provisions of the preceding section and the payment to the commissioner of insurance for the use of the state a fee of one hundred dollars, he shall issue to the corporation or association so complying, a certificate of authority to do business in this commonwealth for a period of one year from the first day of January of the year of its issue unless the same be sooner revoked.

Solicitors or agents for unauthorized companies prohibited.

3. *And be it enacted*, That no person shall, within this state, act as agent, solicitor, officer, trustee or otherwise in receiving or procuring application for live stock insurance in any assessment or co-operative corporation or association, and no person shall collect, receive or remit any money or assessment or otherwise for any company not authorized to do business in this state, and any person who shall violate any of the provisions of this section shall be deemed guilty of a misdemeanor, and upon conviction thereof shall, for each offense, be punished by a fine not exceeding five hun-

Penalty.

dred dollars and cost of prosecution or by imprisonment in the county jail not to exceed three months, or both such fine and imprisonment, in the discretion of the court.

When business year shall close.

4. *And be it enacted*, That the business year of every corporation or association doing business in this state under and by virtue of the provisions of this act shall close on the thirty-first day of December in each year, and every such corporation or association shall within sixty days thereafter prepare, under oath of the president and secretary, and file in the office of the commissioner of insurance of this state a detailed statement, showing its assets, how invested, liabilities, receipts from assessments and all other sources, and an itemized account of all expenditures, amount of policies or certificates in force, death losses and benefits paid, death losses reported, but not paid, death losses contested, and that it still has in force among its members bona fide insurance to the amount as required by section one of this act, and shall answer such other questions as the commissioner, who shall furnish blanks for the purpose, may require, in order to ascertain its true financial condition, and the commissioner may at any time make or cause to be made an examination of the affairs of any such corporation or association doing business under this act at the expense of such corporation or association.

Corporation shall file detailed annual statement.

Certificate may be renewed.

5. *And be it enacted*, That upon the filing of any annual statement, if the commissioner shall find that the corporation or association making the same is still organized and doing business in conformity to the provisions of this act, he shall, upon the payment of the fee of one hundred dollars, as hereinbefore provided, issue his certificate authorizing such corporation or association to do business in this commonwealth for a further period of one year, unless sooner revoked.

Proceedings for violation of provisions of this act.

6. *And be it enacted*, That whenever any corporation doing business under or by virtue of the provisions of this act shall fail to make the annual statement required by this act, or whenever the commissioner of insurance shall, after a full examination of its affairs, find sufficient evidence that such corporation or asso-

ciation is conducting its business fraudulently, or not in compliance with the provisions of this act, or is not carrying out its contracts with its members in good faith, he shall immediately report to the attorney-general such evidence and copies of any papers, statements or reports in his office relating to the matter; upon receiving such papers, evidence, statements and reports, the attorney-general, if he is satisfied from the evidence, papers, statements and reports that such corporation is conducting its business fraudulently, or not in compliance with the provisions of this act, or is not carrying out its contracts with its members in good faith, shall immediately notify the corporation or association to cease doing business in this state, under penalties prescribed by law; he shall also instruct the prosecuting attorney of the proper counties to prosecute for all violations of this act.

What the policy or certificate of insurance shall specify and set forth.

7. *And be it enacted*, That every policy or certificate issued to policy or certificate holders in this commonwealth by any corporation or association doing business under the provisions of this act, shall specify the sum which the insured shall be entitled to recover upon the death of the animal or animals described in said policy or certificate, and shall set forth a definite time for the payment of losses so incurred; no policy or certificate issued by any corporation or association doing business under the provisions of this act shall be canceled for the non-payment of any assessment without first having given notice by letter to the holder of such policy or certificate, at his or her last-known post-office address, the following notice: You are hereby notified that an assessment of —— per centum, amounting to ——— dollars, levied upon you ——— ———, has not been paid; unless the amount due for said assessment is paid within ten days from the date hereof, your policy or certificate will be canceled.

Approved March 21, 1895.

CHAPTER CCXIX.

An Act to provide for the annexation of additional territory to cities of the third class and incorporated towns.

Proceedings for annexation.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That one or more persons living and owning lands adjacent to any city of the third class or incorporated town, may have their said lands annexed to and become part of such city or town by presenting a written request to the mayor and board of aldermen or other governing body of such city or incorporated town, specifically setting forth the boundaries of the additional territory so sought to be annexed, signed by persons owning at least sixty per centum of the assessed value of the lands therein described, as shown by the assessor's duplicate for the preceding year; which request shall be duly verified and shall have attached thereto the oath of the assessor of the township or townships in which said lands are located, or of some other person having access to such assessor's books, setting forth the assessed value of the real estate contained within such boundaries for the preceding year, and the amount of real estate assessed to the persons whose names are signed to such request; and the mayor and board of aldermen or other governing body of such city or incorporated town by a two-thirds vote may in their discretion by ordinance annex the territory specifically described in said request to such city or town; and in case such city or incorporated town is divided into wards shall also in such ordinance designate the ward or wards to which said territory shall become a part, but in all cases the annexed territory shall become part of the ward or wards to which it is contiguous; *provided, however*, that the boundaries of such city or incorporated town shall not be extended

Proviso.

so as to include a portion of any county other than that in which such city or town is located.

2. *And be it enacted*, That after the passage of such ordinance, the territory set forth in said request shall become a part of such city or incorporated town and subject to all the laws and ordinances regulating and governing the same.

When annexed territory shall be plotted on city map.

3. *And be it enacted*, That in case such city or incorporated town is divided into wards, and has a map defining the lines and showing the extent and boundaries of such wards filed in the office of the clerk of such city or town, the mayor or presiding officer shall forthwith cause the territory so annexed as aforesaid to be plotted upon said map, showing the extent and boundaries of the ward or wards to which said annexed territory has by such ordinance been added.

Repealer.

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

Approved March 21, 1895.

CHAPTER CCXX.

A Further Supplement to the act entitled "An act to enable boards of chosen freeholders to acquire, improve and maintain public roads," approved March nineteenth, one thousand eight hundred and eighty-nine.

Chosen freeholders may contract for material and labor for improving roads.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the boards of chosen freeholders in the several counties of this state that heretofore have acquired or hereafter may acquire, improve and maintain roads under the provisions of the act and its supplements and amendments, to which this is a further supplement, to

enter into contract for the supplying and furnishing of the whole or any part of the materials necessary in constructing, improving and maintaining the roads adopted or to be adopted as county roads under the provisions of said act; that whenever in the opinion of said board it is desirable to furnish or supply material for the whole or any portion of the work, said material shall be furnished under contract with said board, and a notice, specifying the kind and as near as may be the quantity of materials required and the points or places where the same is to be delivered, and inviting bids or propositions to furnish the same, shall be published for at least three weeks once in each week in two or more of the newspapers circulated in the county where said materials are to be used; said materials shall in all cases be subject to the inspection and approval of the county engineer, and shall conform in all respects to the specifications and other requirements of the contract; the person or corporation whose bid is accepted shall enter into bond to the county in such sum and with such sureties as the board may require, conditioned for the due and faithful performance of the contract, and said bond and contract shall be held by the county collector.

Proposals shall be advertised for.

Contractor shall furnish bond.

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

Repealer.

Approved March 21, 1895.

CHAPTER CCXXI.

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

County canvassers shall make duplicate certificate of returns and file the same.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in all cases where the electors of two or more counties are authorized or required by law to elect any person to an office in or for such counties, it shall be the duty of the board of county canvassers in each of the counties constituting such election district to canvass the vote cast for any and all persons for such office at the time and in the manner that votes are required to be canvassed for county officers, and prepare a statement in duplicate of the number of votes cast for each person or persons for such office, which statement shall be certified by the chairman of the board of county canvassers as in other cases; that one of such duplicates shall be filed forthwith in the office of the clerk of the county, and the other within seven days thereafter shall be sent by mail to the secretary of state, to be filed by him in his office; and upon receiving such statements from each of the counties constituting such election districts, the secretary of state shall ascertain therefrom what person has received the greatest number of votes for such office, and shall make a certificate thereof and file the same in his office, and deliver a copy thereof, certified by him under the seal of his office, to such person on application; and when such person shall produce such copy before the governor, he shall be entitled forthwith to a commission for the office to which he has been elected.

Secretary of state shall furnish certificate to persons elected, which shall entitle them to commissions.

Circuit court shall have jurisdiction in contested election cases.

2. *And be it enacted*, That the circuit court of any county constituting such election district shall have jurisdiction to hear and determine all cases in which the election of any person to such office shall be con-

tested, and the proceedings in such cases shall be conducted in the manner provided by law in case of a contested election of a county officer.

Approved March 22, 1895.

CHAPTER CCXXII.

An Act concerning certain cities of the second class, permitting the consolidation of officers and relating to the election, appointment, terms, duties and compensation of officers.

Legislative body shall have power to consolidate offices.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the common council, board of aldermen or other legislative body of any city of the second class in this state having a population of less than thirty-five thousand shall have power from time to time, by ordinance or ordinances, to consolidate any two public offices of said city or of any of its departments and enact that the duties of the offices so consolidated shall thereafter be performed by one and the same person, and shall have power by such ordinance or ordinances to fix and determine the nature of said duties, to designate the name or names by which said officers shall be known when consolidated, to fix the length of the term for which the holder thereof shall be elected or appointed, which shall in no case exceed the term of two years, to determine the amount and nature of the bond to be required from the holder of such offices when consolidated, if any, the compensation to be paid him and the time and manner of paying the same, which compensation shall be a definite salary and shall in no case exceed the compensation formerly allowed the officer holding the one of said offices so consolidated, for which the greater compensation or salary was formerly paid.

Designate the name and fix terms and compensation thereof.

Compensation limited.

2. *And be it enacted*, That such common council,

May determine the duties of any city official, fix amount of salary and term of office.

board of aldermen or other legislative body in any such city shall also have power, from time to time, by ordinance or ordinances, to fix and determine the duties appertaining to any public office therein or in any department thereof; the compensation that shall be paid any person holding any such office and the time and manner of paying the same, which compensation shall be a definite salary and may be fixed at any amount not exceeding the amount now allowed said officers respectively, the term for which they shall be elected or appointed, which shall in no case exceed the term of two years, and the amount and nature of the bond to be required from such officer, if any.

Officers and employes of public school department excepted.

3. *And be it enacted*, That this act shall be construed to apply to and include all offices in any such city or in any of its departments, the salary or compensation of which is paid directly or indirectly from the funds of said city, and all offices therein the holders of which are chosen by the electors of said city at its charter elections, or by said common council, board of aldermen or other legislative body or by any board, commissioners or similar public body of said city, the members of which are chosen by said common council, board of aldermen or other legislative body, excepting only the members of the board of education of any such city and all persons employed as principals, teachers or janitors in the public schools of said city; that any two of said officers may be consolidated as provided for in the first section of this act, and if any office, the holder of which is now chosen by the electors of said city, at its charter election, shall be consolidated with one formerly filled in some other manner, then such consolidated offices, by the name or names to be chosen to designate them as above set forth, shall be filled in the usual manner by the electors of such city at its charter elections, and if any office, the holder of which is now chosen by said common council, board of aldermen or other legislative body aforesaid, shall be consolidated with one the holder of which is now chosen by said board, commissioners or similar public body aforesaid, then such consolidated offices, by the name or names to be chosen to designate them, as above set forth, shall

How elective and appointive offices may be consolidated and designated.

be filled by the said common council, board of aldermen or other legislative body, but where both of the offices so consolidated were formerly filled in the same manner by the same body or persons, then no change shall be made in the manner of filling the same when they are consolidated.

Offices may be declared vacant.

4. *And be it enacted*, That such common council, board of aldermen or other legislative body of said city, after passing any ordinance or ordinances which they are authorized to pass by this act, may declare vacant and vacate any and all offices in relation to which such ordinance or ordinances shall have been passed, and persons may then be chosen, in the manner above set forth, to fill such offices under the terms and provisions of such ordinance or ordinances at the compensation therein fixed; *provided, however*, that persons holding offices to which they have been elected directly by the electors of such city at its charter election, may continue in office during the term for which they were elected under the terms existing at the time of their said election.

Proviso.

Entry upon duties construed to be acceptance of office.

5. *And be it enacted*, That the entry upon the duties of any such office or offices by any person duly chosen thereto, shall be construed to be an acceptance of the duties of said office or offices, as determined by said ordinance or ordinances, at the compensation therein fixed, anything in the charter of any such city or any supplement thereto or amendment thereof, or in any general or special law, to the contrary notwithstanding.

Repealer.

6. *And be it enacted*, That all acts and parts of acts, general or special, inconsistent with the provisions of this act, be and the same are hereby repealed, and that this act shall take effect on the fifteenth day of May, one thousand eight hundred and ninety-five.

Passed March 22, 1895.

CHAPTER CCXXIII.

An Act to provide for the permanent improvement of public roads in this state.

Board of chosen freeholders shall cause specifications and surveys to be made.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever the board of chosen freeholders of any county in this state shall, by resolution, have declared their intention to cause any particular road, or section thereof, within such county to be improved under the provisions of this act, such board shall cause all necessary surveys to be made and specifications to be prepared; the specifications shall require the construction of a macadamized road, or a telford or other stone road, or a road constructed of gravel, oyster shells, or other good materials, in such manner that the same, of whatever materials constructed, will, with reasonable repairs thereto, at all seasons of the year, be firm, smooth and convenient for travel; shall be so prepared as to call for bids from which an approximate estimate of the cost can be ascertained, and shall state the amount of security that will be required of the bidder; after said specifications shall have been prepared they shall be submitted to the board of chosen freeholders for their approval or rejection; and, if such board shall approve them, they shall then be submitted to the state commissioner of public roads for his approval or rejection; it shall be the duty of the commissioner of public roads, before approving the specifications for any road so submitted to him, to ascertain, by personal examination or otherwise, the natural character of the soil upon which such road is proposed to be constructed, and all other facts that he may deem important, and if, after examination, of the specifications and facts so ascertained, he shall be of the opinion that the specifications provide for the construction of a road that will, with reasonable repairs thereto, be firm, smooth and convenient for travel at

Materials that shall be used.

Specifications shall be submitted to state commissioner.

Commissioner shall ascertain character of soil, etc.

all seasons of the year, and if he shall also be of the opinion that one-third of the cost of constructing the road or section of road to which such specifications relate, together with one-third of the cost of constructing all other roads and sections of roads in this state under specifications previously approved by him, will not in any one year exceed the sum of one hundred thousand dollars, then he shall approve the specifications, but otherwise he shall reject them; *provided, however*, that he shall, in his discretion, have the power to withhold his approval of any specifications, to the end that the estimated aggregate amount of contracts made in any one year shall not exceed the sum of three hundred thousand dollars, and also to the end that the amounts paid out of the state treasury under the provisions of this act shall in each year be distributed amongst the several counties of the state in such manner as to the said state commissioner of public roads shall seem fair and equitable, and any specifications, the approval of which is withheld as aforesaid, may, if otherwise satisfactory to the said state commissioner of public roads, be approved by him in any year subsequent to the one in which the same may be presented for approval as aforesaid; if the board of chosen freeholders and the state commissioner of public roads shall both approve such specifications, it shall then be the duty of the director of the board of chosen freeholders to advertise in at least two daily newspapers, printed and circulating in the county, for the period of two weeks, or in at least two weekly newspapers, printed and circulating therein, for at least four weeks, for bids to do the work according to the specifications prepared; such advertisements shall state where bidders may find the specifications and shall name a time and place where the board of chosen freeholders, or a committee of five members thereof, of whom the director shall be one, will meet to receive bids; every such bid shall be accompanied with the bidder's bond in the sum of one thousand dollars, with security satisfactory to the board, conditioned that if the contract shall be awarded to him he will, when required by the board, execute an agreement in writing to perform the work according to the

Proviso.

Director of board shall advertise for bids.

Bids shall be accompanied with bonds and security.

specifications; no bids shall be received by the board or any member thereof, except at a meeting of said board or a committee, of which notice shall be given as aforesaid, and all bids then received shall be immediately publicly read; if the bids shall be received by a committee of the board they shall be reported to the board at the next meeting thereof, with the recommendations of the committee; the board may reject all bids if, in their opinion, good cause exist therefor, but otherwise they shall award the contract to the lowest bidder who shall give satisfactory evidence of his ability to perform the contract; *provided*, *however*, that the estimated amount of contracts awarded in any one year by any board of chosen freeholders, together with the estimated cost of repairs of roads already constructed, shall not exceed one-fourth of one per centum of the ratables of the county as reported to the state comptroller for the last preceding year; *and provided further*, that in every contract made as aforesaid it shall be specified that at least five per centum of the contract price shall not be paid to the contractor within the period of one year after the work specified to be done by such contract shall have been fully performed and accepted; the bidder to whom the contract may be awarded shall, in addition to executing the agreement to perform the work according to the specifications, also execute to the board of chosen freeholders a bond conditioned for the faithful performance of the contract, in the sum specified in the advertisement for bids, and with such sureties as the board may approve; the contract shall, on behalf of the board of chosen freeholders, be executed by the director thereof, and, when executed by the bidder and said director, a copy of the contract and specifications, with the estimated cost of the work, shall be forthwith filed with the state commissioner of public roads.

Bids shall be publicly read.

Contract shall be awarded to lowest bidder.

Proviso.

Proviso.

Contractor shall furnish bond.

Contract shall be filed.

2. *And be it enacted*, That after a copy of the contracts and specifications shall have been filed with the state commissioner of public roads as aforesaid, the said state commissioner of public roads shall, as soon as practicable, appoint a supervisor of the construction of the work under such contract who shall recei

Commissioner shall appoint a supervisor.

services under this act three dollars per day, to be paid out of the county treasury; if the work for which such contract shall be made shall have been petitioned for, pursuant to the provisions of the eighth section of this act, then, if the petitioners therefor or any of them shall in writing nominate to the said state commissioner of public roads one or more persons for the position of such supervisor, it shall be the duty of said state commissioner of public roads, if only one nomination be made, to appoint as such supervisor the person so nominated, and, if more than one nomination be made, to appoint as such supervisor one of the persons so nominated, and if no such nomination be made, the said state commissioner of public roads shall then appoint as such supervisor any person whom he may consider competent for such position; the said state commissioner may, however, at any time summarily discharge any supervisor who, in the judgment of the state commissioner, is incompetent or who neglects his duty, and, in such case, shall appoint a new supervisor to take the place of the one so discharged; the supervisor shall supervise all work done under the contract, shall give his whole time thereto, shall require the provisions of the contract to be strictly adhered to by the contractor, and, in any case where the contract provides for partial payments during the progress of the work; he shall also, as each payment becomes due and before payment shall be made, present to the the board his certificate, and also the certificate of the surveyor or engineer, if any there be, stating as near as may be the total amount of work done, and that such work has been done in all respects as required by the contract; and the board shall thereupon direct payment to be made by the county collector; *provided*, that no partial payment made during the progress of the work shall exceed eighty per centum of the estimated value of the work done; the board shall have power to borrow on temporary loans on the credit of the county such sums of money for the purpose of carrying on such work as may from time to time become necessary; and when the work shall have been fully completed, and the terms and conditions of the contract shall have been fully complied with, and

How supervisor shall be appointed.

Supervisor may be discharged and new one appointed.

Duties of supervisor.

Proviso.

Board may borrow money.

such facts shall have been certified to the board to their satisfaction by the supervisor and the surveyor or engineer, if any there be, payment in full shall be made, less the amount required to be withheld for the period of at least one year, as in the next preceding section specified.

Supervisor shall make itemized statement of cost.

3. *And be it enacted*, That when the work under any contract shall have been fully completed, it shall be the duty of the supervisor to prepare a detailed and itemized statement in duplicate of the cost of the improvement, one copy whereof shall be filed with the board of chosen freeholders and one with the state commissioner of public roads.

How payment shall be made.

4. *And be it enacted*, That one-third of the cost of all roads constructed in this state under this act shall be paid for out of the state treasury; *provided*, that the amount so paid shall not in any one year exceed the sum of one hundred thousand dollars; if one-third of such cost shall appear by the statements filed in any one year with the state commissioner of public roads to exceed the said sum of one hundred thousand dollars,

Proviso.

Governor and commissioner shall apportion state money.

then, and in such event, the said sum of one hundred thousand dollars shall be apportioned by the governor and the state commissioner of public roads amongst the counties of the state in proportion to the cost of roads constructed therein for such year, as shown by the statements of costs filed in the office of the state commissioner of public roads; the governor and said state commissioner of public roads shall, between December fifteenth and thirty-first in each year, certify to the state comptroller the amount to be paid to each county for such year, and the state comptroller shall thereupon draw his warrants in favor of the respective county collectors for the sums certified as aforesaid upon the state treasurer, who shall pay the same out of any moneys in the state treasury not otherwise appropriated.

5. *And be it enacted*, That on or before September first in each and every year it shall be the duty of the board of chosen freeholders to certify to the county board of assessors, either in the annual tax budget or separately, two-thirds of the estimated cost of all work for which contracts shall have been awarded under this

act during such year; and the county board of assessors shall include the sum so certified in the county taxes assessed for such year, and the same shall be assessed, collected and paid over to the county in the same manner and within the same time that other county taxes are assessed, collected and paid over; if a deficiency shall exist in consequence of the cost exceeding the estimate, or in consequence of the receipt of less than one-third the cost from the state treasury, the board of chosen freeholders shall have authority to borrow on temporary loans to the amount of such deficiency until the next annual taxes shall be assessed, collected and paid over to the county; and if there be a surplus, in consequence of the cost being less than the estimate, such surplus shall be retained and used in the construction of other roads under this act, or in repairs to roads constructed under this act.

Proportionate amount of cost shall be assessed and collected.

Board may borrow to pay deficiency.

6. *And be it enacted*, That instead of certifying to the county board of assessors two-thirds of the estimated cost of all work for which contracts shall have been awarded under this act in any one year as required by the fifth section of this act, or two-thirds of said estimated cost less one-tenth of said estimated cost as required by the eighth section of this act, the said board of chosen freeholders may, if a resolution to such effect shall be adopted by a vote of at least two-thirds of all its members, borrow such sum or sums of money as may be necessary for the payment of such proportion of said estimated cost by the sale of the bonds of such county, issued in the name of the board of chosen freeholders thereof, and in such sums as the said board may deem proper; said bonds shall bear interest at a rate not exceeding five per centum per annum, shall be sold at not less than their par value, shall not exceed in the aggregate the proportion of the estimated cost of such road as hereinabove mentioned, shall be so divided that one-tenth of the amount of the proportion of said estimated cost shall fall due in one year from their date, and one-tenth of the proportion of said estimated cost in each successive year thereafter for the period of ten years after their date, and shall be either coupon or registered bonds, as the board of

When board may issue bonds.

Conditions of bonds and the sale thereof.

chosen freeholders may determine; the principal and interest thereof shall be made payable at the office of the county collector of such county; said bonds shall be signed by the director of said board and the county collector, and shall be sealed with the seal of the county, and the county collector shall keep a record thereof; it shall be the duty of the board of chosen freeholders each year to place in the tax levy for such county in each year, so long as said bond shall run, a sufficient sum to pay the interest accruing thereon for said year and the principal of the bonds that shall mature in said year.

County collector shall keep record of bonds.

Road shall be a county road.

7. *And be it enacted*, That any road constructed under the provisions of this act, except within the limits of any city, shall forever thereafter be a county road, and the duty of keeping the same in repair, except within the limits of any city, shall devolve upon the board of chosen freeholders and the county supervisor hereinafter mentioned, and all other powers and duties respecting such roads, except within the limits of any city, shall be imposed upon and vested in the said board of chosen freeholders to the exclusion of all township, borough or other municipal officers excepting city officers; after the first road shall have been constructed under this act in any county, it shall be the duty of the board of chosen freeholders thereof to appoint a county supervisor of roads who shall hold his office for three years and until his successor is appointed, shall give bond to the board of chosen freeholders in the sum of one thousand dollars conditioned for the faithful performance of the duties of his office with such sureties as the board may approve, and shall receive such salary or allowance as the board may fix; the board of chosen freeholders shall provide all moneys necessary to keep in a proper state of repair the roads constructed under this act, except within the limits of any city, and may, if there be no moneys on hand that can be lawfully used for such repairs, borrow therefor on temporary loans until the next annual taxes shall have been assessed, collected and paid over to the county; it shall be the duty of the supervisor to report to the board of chosen freeholders, or to the road com-

Board shall appoint a county supervisor.

And provide for keeping road in repair.

Supervisor shall report repairs necessary.

mittee thereof, all repairs he may think necessary or proper to be made to such county roads, and, under the direction and control of said board of chosen freeholders or its road committee, to expend the moneys raised for such repairs in such manner and upon such portions of the roads as will tend to keep them in the best possible state of repair; no part of said moneys shall be paid into the hands of the supervisor, but all expenses of repairs shall be paid by the county collector on the orders of the board of chosen freeholders, granted only on the presentation of bills verified by affidavit, as now required by law in the case of other claims against the county; if the board of chosen freeholders shall neglect or refuse to make appropriations sufficient to keep any such road as aforesaid in good repair, any citizen of the county may apply to the supreme court for a writ of mandamus to compel said board to make an appropriation as aforesaid; and when any such application is made, the court, upon a rule to show cause or otherwise, in such manner as the court shall prescribe, shall ascertain and determine whether such road as aforesaid is in a proper state of repair, and may also, in its discretion, allow to the attorney of the applicant a reasonable counsel fee to be paid by the county; in case the board of chosen freeholders shall not have on hand sufficient moneys out of which to make the appropriation commanded to be made by any writ of mandamus granted as aforesaid, they shall borrow such sum or sums as may be necessary therefor on temporary loans on the credit of the county, and shall require the amount so borrowed to be raised by taxation with the next assessment of county taxes; it shall be the duty of the authorities of any city within which any portion of road may be constructed under the provisions of this act to keep the portion thereof within such city in repair forever after such construction, and such city shall have the same power, authority and jurisdiction over such portion of such road, and shall have imposed upon it the same duties as were imposed upon and vested in it with respect to such portion of such road before its improvement under the provisions of this act.

County collector shall pay on order of the board.

In cases of neglect any citizen may apply for mandamus.

Board may borrow money to make appropriation required.

City shall keep its portion of road in repair.

Board shall improve roads on petition of property owners.

8. *And be it enacted*, That whenever there shall be presented to the board of chosen freeholders of any county a petition signed by the owners of at least two-thirds, either in lineal feet or in area, of the lands and real estate fronting or bordering on any public road or section of road in such county, taking in said estimate of area all the lands of every such owner which are assessed for taxes in said county and which lie together in any farm tract or lot of which a part has a frontage on said road or section of road, praying the board to cause such road or section to be improved under this act, and setting forth that they are willing that the peculiar benefits conferred on the lands fronting or bordering on said road or section shall be assessed thereon in proportion to the benefits conferred to an amount not exceeding ten per centum of the entire cost of the improvement, it shall be the duty of the board to cause such improvement to be made; *provided*, that the road or section desired to be so improved shall be at least one mile in length, or if it be less than one mile in length shall be an extension of or connection with some other permanently improved or paved road or street;

Proviso.

and provided further, that the estimated cost of all improvements made under this act, together with the estimated cost of repairs of roads already constructed in any county in any one year shall not exceed one-fourth of one per centum of the ratables of such county for the last preceding year;

Proviso.

and provided further, that where more roads are applied for than can be constructed under this act in any one year, the said boards of chosen freeholders shall have the power and authority to select from the roads petitioned for the ones first to be constructed, having regard to the most important roads and the distribution of the benefits of this act to all parts of their counties; it shall not be necessary for the board in any such case to declare by resolution their intention to cause such improvement to be made, but they shall forthwith cause all necessary surveys of such road or section to be made, and specifications to be prepared for a macadamized road, or a telford or other stone road, or a road constructed of gravel, oyster shells or other good material, in such manner that the same,

of whatever materials constructed, will, with reasonable repairs thereto, at all seasons of the year, be firm, smooth and convenient for travel; the proceedings shall thereafter be the same as is hereinbefore required in cases where such intention has been declared; if the specifications shall not be approved by the board or by the state commissioner of public roads, or if all the bids for the work shall be rejected, it shall be the duty of the board to cause other specifications to be prepared, or re-advertisements for bids to be made, as often as may be necessary and until a contract shall be awarded, to the end that the improvement prayed for may be completed with reasonable speed; *provided, however*, that no re-advertisement need be made where the lowest bid submitted shows that the improvement prayed for cannot be made within the limit of expenditure in this section above mentioned; in every case where a contract shall be awarded after the presentation of such petition as aforesaid, the board of chosen freeholders, instead of certifying to the county board of assessors two-thirds of the estimated cost of the work as prescribed by the fifth section of this act, shall, unless they determine to issue bonds in the manner prescribed by the sixth section of this act, which they are hereby authorized to do, certify two-thirds of said estimated cost less one-tenth of said estimated cost, which sum the county board of assessors shall include in their assessments of county taxes.

Commissioners shall be appointed to estimate and assess benefits.

9. *And be it enacted*, That when the improvement prayed for as aforesaid shall have been completed and the statement of the cost thereof filed with the board of chosen freeholders, as prescribed by the third section of this act, said board shall apply to the circuit court of the county for the appointment of commissioners to estimate and assess the peculiar benefits conferred by such improvement upon the lands and real estate fronting or bordering on the road or section thereof improved, of the time and place of which application notice shall be given by ten days' publication in two daily newspapers printed and circulating in the county, or by two weeks' publication in two weekly newspapers printed and circulating therein, at which time and place or at such other time and place as the court shall designate; said

Notice shall be advertised.

court shall, without unnecessary delay, appoint three commissioners who shall be disinterested freeholders and residents of the county in which the application is made, to estimate and assess the benefits aforesaid; the said court shall have power to remove any commissioner and appoint another in his place and also to fill any vacancy that may occur in the office of any commissioner from any cause; said commissioners shall each receive three dollars per day, to be paid by the county collector.

Court may remove Commissioners and fill vacancies.

Compensation of Commissioners.

Commissioners shall qualify.

10. *And be it enacted*, That said commissioners, before entering upon the duties required of them by this act, shall take and prescribe before some person duly authorized to administer the same an oath or affirmation that they will make all assessments and estimates required of them fairly, legally and equitably according to the best of their skill and understanding, which oath or affirmation shall be attached to the report that they are hereinafter required to make.

Commissioners shall give notice of meeting for public hearing.

11. *And be it enacted*, That the said commissioners, having thus qualified, shall give such notice as the court may direct 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 in interest who may desire to be heard; the said commissioners shall have power to examine witnesses under oath or affirmation, to be administered by any one of them, and to enter upon and view the lands and real estate fronting or bordering on the road or section thereof improved, and to adjourn from time to time in their discretion, or as directed by said court; they shall use diligent efforts to ascertain the names of the owners of the lands fronting or bordering on the road or section thereof improved, and shall state the same in the report hereinafter mentioned; but the failure to ascertain the name of any owner, or to state the same correctly, or the omission of any such name from the report, shall not invalidate said assessment nor be a bar to the collection of the same.

May examine witnesses and administer oaths.

Shall ascertain names of owners and state them in report.

12. *And be it enacted*, That after having given op-

portunity as aforesaid for a public hearing of the persons in interest, and having viewed the lands fronting or bordering on the road or section thereof improved as aforesaid, the said commissioners shall make a report in writing of their estimates and assessments to the said court, accompanied by a map prepared by the engineer in charge of the construction of the road showing the several tracts or parcels of lands and real estate fronting or bordering on said road or section thereof; the said report shall state the cost of the whole work, which shall be furnished to the commissioners by the board of chosen freeholders from the report of the supervisor of construction filed with said board under the requirements of the third section of this act, and shall give the names, so far as ascertained, of the owners of the tracts or parcels of lands and real estate fronting or bordering on said road or section thereof, the city, township, borough or other municipality in which each tract or parcel of land is situate, and the amount of the assessment upon the owner or owners of each of said tracts or parcels of land and real estate for the said benefits; which several assessments shall be in proportion, as near as may be, to the peculiar benefits deemed to have been conferred by said improvement upon the respective tracts of lands and real estate aforesaid; if any tract of land shall be located in more than one city, township, borough or other municipality, it shall be stated in said report as being in the city, township, borough or other municipality in which there is the greatest frontage by lineal feet on the road or section thereof improved; in no case shall any tract or parcel of land and real estate, or any owner thereof, be assessed beyond the amount of benefit actually derived from said improvement, nor shall the aggregate amount of assessments imposed upon the tracts or parcels of land fronting or bordering on such road or section thereof exceed ten per centum of the total cost of the improvement.

Shall report estimates and assessments with a map to the court.

What the report shall set forth

Assessments shall not exceed amount of benefits.

13. *And be it enacted*, That upon the coming in of any such report signed by the said commissioners, or any two of them, said court shall cause such notice to be given as it shall deem proper of the time and place of hearing any objections that may be made to

Court shall appoint a hearing of objections.

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 said court forthwith to reconsider the subject-matter thereof, and the said commissioners to whom such report shall be so referred by the court shall return the same corrected and revised, or a new report to be made by them in the premises, to the said court without unnecessary delay, and the same, being so returned, shall be confirmed, or again referred by the said court in the manner aforesaid, as right and justice shall require, and so, from time to time, until a report shall be made or returned in the premises which said court shall confirm; such report, when so confirmed, shall be final and conclusive, as well upon the said board of chosen freeholders and the cities, townships, boroughs or other municipalities in which said lands may be situate, as upon the owners of any lands and real estate affected thereby, and the court shall require the same to be forthwith filed with the county clerk, and certified copies thereof and of the accompanying map, and of the rule or order confirming the report, to be promptly delivered to the county collector, one for said county collector and for each city, township, borough or other municipality in which the assessed lands may lie; the county collector shall retain one of the said copies for his own use and shall forthwith give one to the collector or receiver of taxes in each of the cities, townships, boroughs and other municipalities in which the assessed lands may lie; each city, township, borough or other municipality whose collector or receiver of taxes shall receive such certified copy shall, by its proper disbursing officer, within six months after the date of the said order of confirmation, pay the amount of assessments appearing by said report to have been assessed upon the lands situate in such city, township, borough or other municipality, who shall receive for his services three per centum of the money so collected to be paid by the county.

Commissioners shall correct and revise report or make a new one.

Report when confirmed shall be final, and shall be filed.

Certified copies shall be delivered to certain officers.

Collector shall pay over amount collected.

14. *And be it enacted*, That no certiorari shall be

allowed by any court to review any of the proceedings in relation to such improvement, nor in any way to affect any assessment made by such commissioners, after the lapse of thirty days from the making of the order of the court confirming such assessment; the court shall designate what notice, if any, shall be given by publication or otherwise of the confirmation of the report of said commissioners. Time for allowing writ of certiorari limited.

15. *And be it enacted*, That the assessments made by said commissioners shall be and remain a lien upon the lands assessed, from the date of the confirmation of the report of assessments in the same manner and to the same extent that taxes are liens upon lots or tracts of lands situate in the city, township, borough or other municipality in which the assessed lands may be. Assessments shall be a lien.

16. *And be it enacted*, That the receiver or collector of said city, township, borough or other municipality shall, as soon as the said report is delivered to him, give to the owners of lots and tracts of lands appearing by said report to be assessed, such notice of the assessments and of the time within which the same are required to be paid as the court in its order of confirmation, hereinabove mentioned, shall prescribe; all such assessments shall become due and payable to such receiver or collector within six months from the date of the order of confirmation hereinabove mentioned. Collector shall notify property owners of assessments.

17. *And be it enacted*, That if any assessment upon any lot or tract of land made under the provisions of this act shall not be paid within the time appointed in said notice, the township committee, common council or other governing body in the city, township, borough or other municipality within which such lot or tract of land shall be situate, or a majority of them may, as they shall deem proper, either bring an action on contract in any court of competent jurisdiction, in the corporate name of such city, township, borough or other municipality, against the owner or owners of such lot or tract of land for so much money laid out and expended by them for the use of such owner or owners and declare generally, and give the special matter in evidence, and either party from any judgment rendered therein may have the same remedy by appeal or Delinquents may be sued.

Either party may appeal

otherwise as if said parties were private individuals, or they may proceed to collect the said assessment by sale of the lot or tract of land whereon such assessment has been imposed, or may be a lien, in the same manner and to the same extent as lands are now sold for unpaid taxes in such city, township, borough or other municipality, and the purchaser or purchasers at any such sale or sales, and his legal representatives, shall hold and enjoy such lot or tract of land, with the rents, issues and profits thereof, in the same manner and by the same title and tenure as purchasers at the sales of lots or tracts of land for unpaid taxes can now hold and enjoy the same in such city, township, borough or other municipality.

Purchasers may hold lands sold for assessments.

When property owners shall desire to improve road, supervisor shall make plan, etc.

18. *And be it enacted*, That if any property-owners or owner along any road in any county of this state which has not been improved, or is not undergoing improvement, under the previous sections of this act, shall desire any section of any road in such county to be improved, and are or is willing to contribute the whole expense of such improvement, the supervisor of roads of such county shall, upon the written request of such owners or owner, make a plan of such section of road so to be improved, in which shall be given the levels and distances, and also specifications, which shall state the materials that may be used, and the manner of using them; and a copy of such plan, specifications and of any bids to do such work shall then be submitted by such owners or owner to the board of chosen freeholders, and if such board shall approve them, it shall then be lawful for such owners or owner to accept any bid or bids so approved from among the bidders, and proceed to build such section of road according to such plan and specifications, and such owners or owner shall have control of the expenditure of the moneys used to make such improvement, subject to the approval and supervision of the supervisor of such county; and, upon the completion of the improvement to the satisfaction of the said supervisor and said board of chosen freeholders, and upon the submission to said board of receipts, showing full payment for materials furnished and work done under the plan and specifica-

Proceedings thereafter.

tions, such section of road so improved shall thereafter be a county road; and the said supervisor shall be paid by the aforesaid owners or owner the sum of ten dollars for making the plan, the sum of five dollars for drawing the specifications, and the sum of five dollars for the supervision of the work, and, in case such supervisor is not a civil engineer and an actual survey is necessary, then such owners or owner, at their or his expense, shall procure a survey which shall be subject to the approval of such supervisor, which survey shall take the place of the plan before mentioned. Road when improved shall be a county road.

19. *And be it enacted*, That the act entitled "An act to provide for the more permanent improvement of the public roads of this state," approved the fourteenth day of April, one thousand eight hundred and ninety-one, and all acts supplementary thereto and amendatory thereof, be and the same are hereby repealed; *provided*, *however*, that this section shall not cause any proceedings for the improvement of any public road or section thereof under the provisions of the act hereby repealed to abate, but such proceedings may be continued under the provisions of this act in the same manner as if they had been commenced hereunder. Act repealed. Proviso.

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

Approved March 22, 1895.

CHAPTER CCXXIV.

An Act to amend an act entitled "A further supplement to an act entitled 'An act for the appointment of commissioners for the better protection of the fishing interests of the state of New Jersey,'" approved March seventeenth, one thousand eight hundred and seventy, which supplement was approved May fifteenth, one thousand eight hundred and ninety-four.

Act to be amended.

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

Title of the board of commissioners.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the present commissioners of fisheries of this sttate and their successors shall hereafter be known and designated as "the board of fish and game commissioners;" and that after

How their successors shall be appointed and vacancies filled.

the expiration of the terms of the respective members of the present board, said board shall be appointed by the governor of this state, with the advice and consent of the senate, and shall be constituted of four competent persons, who shall hold office for five years, and until their successors are duly appointed and qualified; vacancies occurring by death, resignation or otherwise shall be filled in the same manner and for the unexpired term of the commissioner whose office shall become

Proviso.

vacant; *provided*, that no appointment shall be made by reason of which more than two of the said commissioners shall be of the same political party.

Powers and duties of the board.

2. *And be it enacted*, That the duties of said board shall be the protection and propagation of fish, birds and game animals and the enforcement of the laws relating thereto, and for the propagation and distribution of food fish, and to keep up the supply thereof in the

various waters of the state; said board shall have the conduct and control of such hatching stations as are now owned and operated by the state and such as may hereafter be established, and shall have power to investigate any and all complaints made to the said board, and shall at all times have the right and power to inspect any dam, weir, fish-basket, net or other illegal apparatus for taking fish, and forthwith to remove the same, and shall have power, on view or information, to enforce the laws for the protection and propagation of fish, birds and game animals within this state, by arrest and prosecution of the offender or offenders, without warrant or complaint, and shall make a full report to the legislature annually, at the meeting thereof for the year ending on the thirtieth day of November preceding, of all their official operations, with such suggestions and recommendations as they shall deem useful.

Board shall make annual report.

3. *And be it enacted*, That the said board of fish and game commissioners shall appoint twenty-five competent men, who shall be known as fish and game wardens, whose powers and duties are hereinafter defined, and who shall hold office for one year, or during the pleasure of the said board, and who shall be subject to summary removal by the said board without notice; the said board shall from time to time designate one of said wardens as the fish and game protector, who shall hold such office during the pleasure of the said board and who shall, under the supervision of this board, have the direction, supervision and control of the other fish and game wardens; the fish and game protector shall give a bond to the said board with sureties in the penal sum of one thousand dollars, and each of said wardens shall give to said board a bond with sureties in the penal sum of five hundred dollars, conditioned for the faithful discharge of his duties, such bond to be approved by the commissioners, and upon default an action thereon shall be brought in the name of the state; the compensation of the fish and game protector shall be one hundred dollars per month, payable monthly, and he shall be allowed for the expenses in the performance of his duties the sum of three hundred dollars per annum; the compensation of the

Board shall appoint wardens.

Wardens subject to summary removal.

Protector shall give bond.

Compensation of protector and wardens.

said wardens shall be at the rate of fifty dollars per month each, payable monthly, and an allowance to each for expenses not exceeding two hundred dollars per annum; the payment of traveling and incidental expenses of said fish and game wardens shall be made upon the statement of the said fish and game protector, duly sworn to by him, that the charges for which payment is asked have been incurred in the discharge of official duties, and that the bill is true and correct; such bill so certified to by the said fish and game protector shall be approved of by the said board before payment.

Expenses to be paid.

Powers and duties of protector and wardens.

4. *And be it enacted*, That the fish and game wardens shall enforce all the laws of this state for the protection of fish, birds and game animals, and shall have full power to execute all processes issued for the violation of such laws, and to serve subpœnas issued for the examination, investigation or trial of all offenses against said laws; each fish and game warden shall keep a daily record of his official acts, and shall at the close of each month make a summary of such record with such statements in detail as shall be necessary for the information of the said board, and report the same to the said board; the fish and game protector shall report to the said board any negligence or dereliction of duty or incompetency on the part of any of the said wardens, with the facts relating thereto, and he shall report monthly to said board the operation of his department during the preceding month, and make such further report as may be required by the said board; it shall be the duty of every fish and game warden to seize, remove and forthwith destroy any net, pound or other device for taking fish found in or upon any of the waters of this state, or upon the shores or islands of such waters where fishing with nets is prohibited or illegal, and all such nets, pounds or other devices are declared to be a public nuisance, and may be abated and summarily destroyed by any fish or game warden, and no action for damages shall lie or be maintained against any fish and game warden for such seizure or destruction.

5. *And be it enacted*, That the said board of fish and

game commissioners and the fish and game wardens and the fish and game protector may, in the discharge of their duties, call in the aid of any constable, sheriff or other peace officer of this state when deemed necessary; and any such officer neglecting or refusing to aid when thus required, shall forfeit twenty-five dollars, to be recovered by action of debt; they shall also have the power of summary arrest in cases of flagrant violation of the fishing or the game laws of this state. Constables and sheriffs to assist when required. Penalty. May make summary arrests,

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

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

Approved March 22, 1895.

CHAPTER CCXXV.

An Act to provide for the appointment of commissioners for the promotion of uniformity of legislation in the United States.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That within ten days after the passage of this act the governor shall appoint, by and with the consent of the senate, three commissioners, who are hereby constituted a board of commissioners by the name and style of "commissioners for the promotion of uniformity of legislation in the United States;" it shall be the duty of said board to examine the subjects of marriage and of divorce, insolvency, insurance, the form of notarial certificates and other subjects; to ascertain the best means to effect an assimilation and uniformity in the laws of the state, and especially to consider whether it will be wise and practicable for the state of New Jersey to invite the other states of the union to send representatives to a Governor shall appoint with consent of senate.

convention to draft uniform laws to be submitted for the approval and adoption of the several states and to advise and recommend such other course of action as shall best accomplish the purpose of this act.

Term of office.

2. *And be it enacted*, That said commissioners shall hold office for a term not exceeding five years; no member of said board shall receive any compensation for his services as commissioner, but each commissioner shall be entitled to receive his actual disbursements in performing the duties of his office; in case any of the persons so appointed as above will not undertake the office of this commission, or in case of a vacancy in said board, such vacancy shall be filled by the governor.

Commissioners entitled to expenses only.

Expenses of board limited.

3. *And be it enacted*, That said board may employ such persons and incur such expenses as will be necessary to the performance of their duties, but the total annual expense of said board shall not exceed the sum of one thousand dollars.

Annual appropriation.

4. *And be it enacted*, That the sum of one thousand dollars, or so much thereof as may be necessary, payable out of any moneys in the treasury not otherwise appropriated, is hereby appropriated annually, subject to the audit of the comptroller, to carry out the provisions of this act, and the same shall be payable by the treasurer to the said commissioners.

Board shall make report.

5. *And be it enacted*, That said board shall report to the senate at the next session thereof an account of its transaction and its advice and recommendations as required by section one of this act.

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

Approved March 22, 1895.

CHAPTER CCXXVI.

A Supplement to an act approved March thirteenth, one thousand eight hundred and eighty-eight, entitled "A supplement to an act approved May sixth, one thousand eight hundred and eighty-seven, entitled 'An act to amend an act entitled "A supplement to an act entitled 'An act for the incorporation of safe deposit and trust companies,'"'" approved April twentieth, one thousand eight hundred and eighty-five.

When company may be appointed to any trust without security.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That when and as soon as any of the companies or associations mentioned or referred to in this act or in the amendments thereof, or in the supplements thereto, whether such company or association be incorporated under any general law of this state or by special charter, shall have an accumulated surplus and undivided profits which together are double or more than double the capital stock of such company or association, then and in such case it shall and may be lawful for any officer or court of this state to appoint such company or association to any office or trust which it may be authorized or empowered by its charter or by law to execute or accept, and such company or association shall not be required to give any security for the faithful performance or its duties under such appointment, but the capital stock, accumulated surplus, undivided profits and assets of such company or association shall stand as security and be held liable for the faithful performance of its duties or obligations under such appointment.

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

Approved March 22, 1895.

CHAPTER CCXXVII.

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

When certain townships may be divided into three election districts.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That any township in this state exceeding in area twenty-five square miles and having a population according to the last national census of not less than three thousand five hundred persons, and now divided into not more than two election districts, may be divided by the township committee of such township into three election districts, and that in such division the geographical compactness of such districts and the convenience of the voters shall be first considered.

Election districts may be equalized.

2. *And be it enacted*, That where, in any township of this state now divided into two election districts, it shall at any time appear that the total number of votes cast in one of said districts shall, for the two elections of members of the general assembly then last past, have exceeded by at least two hundred votes the total number of votes cast in the other district, it shall be lawful for the township committee of such township to change and alter the boundary line or lines between the two said districts so that said districts will thereafter be as nearly equal as possible in voting population, and in such division or change the geographical compactness of each district and the convenience of the voters shall be first considered.

Approved March 22, 1895.

CHAPTER CCXXVIII.

An Act to authorize the governing bodies of incorporated towns, boroughs, commissions or towns corporate in this state to purchase steam fire engines or other appliances or apparatus for the extinguishment of fires and erect houses for the housing of the same, and to provide means for the payment thereof.

Governing body may purchase fire apparatus, etc.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the common council, board of commissioners or other governing board or body of any incorporated town, borough, town corporate or commission in this state having an assessed valuation of nine hundred thousand dollars to purchase one or more steam fire engines or other appliance or apparatus for the extinguishment of fires and erect buildings for the housing of the same, at a cost not exceeding ten thousand dollars.

And may issue bonds to pay for same.

2. *And be it enacted*, That in case any common council or other governing body of any incorporated town, borough, town corporate or commission, who shall desire to avail themselves of the benefits of the first section of this act, may issue town bonds; said bonds shall be issued for no other purpose than for the uses set forth in this act; the said bonds shall be signed by the mayor or presiding officer by whatever name designated and the clerk of any such governing body; *provided*, *however*, that before any such bonds shall be made or issued the following shall be complied with and observed: The said common council or other governing body shall cause a resolution to issue such bonds to be submitted to the legal voters of such incorporated town, borough, town corporate or commission, by causing such resolution to be written or printed on ballots, underneath which shall be written or printed the words

Proviso.

Issue of bonds shall be submitted to an election.

"for the above resolution," or "against the above resolution," which votes may be taken either at the annual town meeting or at a special town meeting to be called by the said governing body for that purpose; *provided, further*, the bonds hereby authorized shall bear interest at a rate not exceeding five per centum, and shall not be disposed of or sold for less than their par value.

Proviso.

How the ballots shall be prepared.

3. *And be it enacted*, That in case such vote is taken at the regular annual town meeting, the said resolution may be printed or written, or partly printed or partly written, on the ballots used at such town meeting, and in case a special town meeting is called for that purpose the ballots to be used shall contain only the said resolution and the words thereunder as mentioned in the preceding section, and that the said common council shall give at least ten days' notice of such special town meeting, specifying the time and place where such town meeting shall be held, and the purpose and object thereof, by notices printed or written, posted in five or more of the most public places in said town corporate, borough, incorporated town or commission; and the result of said town meeting or election, as to the said resolution, shall in either case be certified to the said common council or governing body by the board of election acting at such town meeting or election and the town clerk or clerk of other governing body, under their respective hands; and in case a majority of the legal voters as shall appear by such certificate shall have voted for such resolution, then such common council or governing body shall proceed to issue such bonds forthwith and use the same for the purpose or purposes expressed in said resolution; and such bonds shall not be sold or disposed of in any way or manner for less than their par value.

Time and place shall be advertised.

Result shall be certified to governing body.

Bonds shall not be sold for less than par.

How the election shall be conducted.

4. *And be it enacted*, That in case a special town meeting or election be held for the purpose mentioned in this act, the same shall be held and conducted in the same manner in which the annual town meeting or election is now held and conducted, and the expenses thereof shall be paid in the same way.

5. *And be it enacted*, That all acts or parts of acts

inconsistent with the provisions of this act shall be and the same are hereby repealed. Repealer.

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

Approved March 22, 1895.

CHAPTER CCXXIX.

An Act to authorize the town committee or other legislative or governing body of any township, borough or borough commission to alter, fix, establish and maintain the grade of any street, road or highway within its jurisdiction and define the grade so established by suitable monuments.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall and may be lawful for the town committee or other legislative or governing body (by whatever name the same may be called) of any township, borough or borough commission, by ordinance, to alter, fix, establish or maintain the grade of any street, road or highway within its jurisdiction, so that surface water may flow thereon with the least obstruction and with as little damage to private property as possible. Governing body may fix and change grades.

2. *And be it enacted*, That when the grade of any street, road or highway shall have been so altered, fixed and established, such town committee or other legislative or governing body shall cause such grade to be marked by monuments at suitable and convenient distances, and any and all subsequent improvements and repairs to any such street, road or highway shall conform to such grade, and it shall be unlawful to change, alter or disturb any grade so established and fixed without authority from such town committee or other legislative or governing body. Grades shall be marked by monuments.

Expenses shall be paid on order of governing body.

3. *And be it enacted*, That the expense of altering, fixing and establishing any such grade and marking the same by monuments as aforesaid, shall be paid by the proper officer, upon the order of such town committee or other legislative or governing body, from any moneys raised in such township, borough or borough commission for the repair of streets, roads or highways.

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

Approved March 22, 1895.

CHAPTER CCXXX.

An Act in relation to exemptions from taxation of soldiers and sailors.

Collector shall deduct when allowance has not been made.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the receiver or collector of taxes of any city in this state shall deduct from the taxes payable by honorably discharged soldiers or sailors of the late war of the rebellion, upon the production of his discharge, the amount of exemption now allowed in all cases wherein the commissioners of assessment or other officers charged with the duty of making assessments of taxes have failed to make such an allowance.

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

Approved March 22, 1895.

CHAPTER CCXXXI.

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

When there has been a failure to fix boundaries committee may refund taxes paid.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That where the legality of the organization of a fire district in a portion of a township under the provisions of the act entitled "An act to provide means for protection against fires in townships," approved March tenth, one thousand eight hundred and seventy-nine, and the supplements thereto, is questioned upon the ground that such fire district was never laid off by metes and bounds by the township committee of any such township as said act requires, and the collection of taxes for fire purposes assessed and levied in any such fire district under the provisions of said act and supplements is resisted upon the ground aforesaid by twenty or more persons upon whose real or personal estate any such taxes have been assessed and levied, and no evidence or recital of the laying off of any such fire district appears upon the records of any such township, it shall be lawful for the township committee of any such township, upon the written application for such action by said twenty or more persons, to abate and remit all such taxes not paid and to authorize in writing the township collector of any such township to refund to the several persons who have paid the same all of such taxes in his hands; and upon such written authority it shall be lawful for such township collector to refund to the several persons who have paid the same all of such taxes in his hands.

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

Approved March 22, 1895.

CHAPTER CCXXXII.

An Act to amend an act entitled "An act to authorize the condemnation of lands in the cities of this state whereon public school buildings may be erected and which shall be devoted to use for public school purposes," approved April fourth, one thousand eight hundred and eighty-nine.

Section to be amended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section one of the act entitled "An act to authorize the condemnation of lands in the cities of this state whereon public school buildings may be erected and which shall be devoted to use for public school purposes," and approved April fourth, one thousand eight hundred and eighty-nine, be and the same is hereby amended so as to read as follows, namely:

Lands may be condemned for school purposes.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever in the judgment of the board or body having control of the public schools in any of the cities in this state, the price demanded by the owners of any land or real estate which may be deemed by such board or body necessary for the use of the public schools of any such city, is exorbitant and more than the fair market value thereof, it shall and may be lawful for such board or body, with the concurrence of the common council (whenever the concurrence of the common council or other governing body of such city is necessary for the purchase of lands for public school purposes), to apply to a judge of the circuit court in and for the county in which such city is located, for the appointment of three commissioners to make an appraisement of the value of the lands, and of the damages which the owner or owners may suffer by reason of the taking and condemnation thereof; such

Proceedings for condemnation.

application shall be made upon petition, setting forth that the said board or body or the said common council or other governing body has been unable to agree with the owners for the purchase of such lands, and that the price demanded therefor is in the judgment of said board or body exorbitant and more than the market value thereof, and praying that the same may be condemned, giving in the said petition a description of the lands which it is desired shall be condemned for the purposes aforesaid, and thereupon it shall be the duty of the said judge to appoint as commissioners three suitable persons, who shall be freeholders and residents of the county within which such application is made to make an appraisement of the value of the lands so to be condemned and of the damages which the owner or owners of such lands may suffer by reason of the taking thereof.

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

Approved March 22, 1895.

CHAPTER CCXXXIII.

An Act to facilitate the separation of boroughs from townships.

Preamble.

Whereas, By an act entitled "A further Supplement to an act entitled 'An act for the formation of borough governments,' approved April fifth, one thousand eight hundred and seventy-eight," which said supplement was approved April twenty-fifth, one thousand eight hundred and ninety-four, it was provided that all boroughs of the first class existing within the limits of any of the townships of this state should thereafter be entirely separated and independent in all matters of local government from the township out of which such borough was created, and that no

voter of any such borough shall have the right to vote for any township officer nor for any appropriation for township purposes; but such act did not provide for any change of any township election district which embraced any portion of any such borough; and did not provide for any apportionment between such township and borough of property, money or debts of such township in which the people of such borough had rights or were liable to pay; therefore,

When committee may consolidate election districts.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in all townships of this state having more than one election district, whenever at any election held in such township the total number of votes cast in any two election districts of such township shall aggregate less than six hundred, the township committee of such township shall have power to consolidate said two election districts or to change or alter any or all of the election districts of such township, which consolidation, change or alteration shall be made in the same manner now prescribed by law in cases where election districts contain more than six hundred voters.

Township and borough authorities shall divide public property.

2. *And be it enacted*, That in the case of every township in this state coming within the terms of the act entitled "A further supplement to an act entitled 'An act for the formation of borough governments,' approved April fifth, one thousand eight hundred and seventy-eight," approved April twenty-fifth, one thousand eight hundred and ninety-four, the township committee of such township and the mayor and council of such borough shall meet at such time and place as they or a majority of each of them shall agree upon, not later than the fifth day of July next, and on said fifth day of July next, at ten o'clock in the forenoon of that day, if a time and place be not sooner agreed upon, at the council chamber in such borough, and shall then and there proceed in writing, signed by a majority of the members present, to allot and divide between such township and borough all properties and moneys of the township in hand or due at the close of the last preceding fiscal year of such township, and all debts owing

Each municipality shall pay its proportion of public debts.

by said township in proportion to the taxable properties and ratables of such township, exclusive of such borough, with the taxable properties and ratables of such borough, which said proportion shall be ascertained from the respective tax duplicates of such township and borough for the last preceding year; and such borough shall be liable to pay the proportion of the debts of such township which shall be so alloted to it, and it shall be the duty of the mayor and council of such borough, if necessary, to issue bonds with legal interest payable annually to the township committee of such township for the proportion of such indebtedness allotted to such borough, and the collector of taxes of such borough shall be entitled to demand, have, take and receive from the treasurer of such township all the proportion of moneys and properties so allotted to such borough, and upon failure of such township treasurer for thirty days after such meeting to pay over and deliver the same to such collector, he shall be entitled to recover the same by appropriate action in the circuit court of the county in which such township is situate; in case any of the persons comprising either such township committee or such mayor and council shall neglect or refuse to meet as aforesaid, those assembled may proceed to make such allotment and division, and the decision of a majority of those present shall be final and conclusive.

Borough may issue bonds for its proportion.

Borough may recover its proportion of property by suit.

Officials present may make division.

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

Repealer.

Approved March 22, 1895.

CHAPTER CCXXXIV.

An Act providing for the appropriation of funds for the improvement of the state reform school for boys.

Appropriation.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the sum of five thousand dollars be and the same is hereby appropriated to build a hospital for said school.

Treasurer to pay to trustees.

2. *And be it enacted*, That the treasurer of this state be and is hereby directed to pay to the trustees of the school the aforesaid sums to be expended for the purpose stated, upon the warrant of the comptroller.

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

Approved March 22, 1895.

CHAPTER CCXXXV.

An Act for the protection of sturgeon.

Closed term for sturgeon.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That hereafter it shall not be lawful for any person or persons to take, capture or kill or have in possession after the same has been taken, captured or killed, any sturgeon between the thirtieth day of June and the thirty-first day of December in each and every year, under a penalty of twenty dollars for each and every sturgeon so taken, captured, killed or had unlawfully in possession.

Repealer.

2. *And be it enacted*, That all acts or parts of acts, special, local or general, inconsistent herewith or repugnant hereto, be and the same are hereby repealed, ex-

cepting that nothing in this act contained shall be construed to repeal the provisions of an act entitled "An act to amend an act entitled 'An act for the protection of mammose or young sturgeon in the Delaware bay, river and their tributaries,' approved March twenty-fourth, one thousand eight hundred and ninety," which amendment was approved April first, one thousand eight hundred and ninety-one. Exception.

3. *And be it enacted*, That this act shall take effect when similar acts shall have been passed by the legislatures of the states of Delaware and Pennsylvania. When act shall take effect.

Approved March 22, 1895.

CHAPTER CCXXXVI.

A Further Supplement to an act entitled "An act concerning taxes," approved April fourteenth, one thousand eight hundred and forty-six.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the township committee of each township in this state shall meet and hold meetings at their usual places of meeting in their respective townships on the second Tuesday in July of each year for the purpose of examining, revising and correcting the duplicate of assessment to be laid before them in the manner hereinafter provided. Township committee shall revise and correct assessments.

2. *And be it enacted*, That the assessors of the several townships in this state shall on the second Tuesday in July of each year attend the meeting of the committee of his township and lay before them the duplicate of assessment, to be by them examined, revised and corrected, and that it shall be his duty to remain with said committee for the purpose of explaining the said duplicate and assisting said committee in the discharge of the duties required of them by this act. Assessors shall attend the meeting.

3. *And be it enacted*, That said committee shall have

Committee may adjourn from time to time.

power to adjourn from time to time as they may deem expedient for the purpose of discharging the duties required of them by this act, providing the said examination, revision and correction shall be made and completed on or before the third Tuesday in July of each year.

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

Approved March 22, 1895.

CHAPTER CCXXXVII.

An Act to repeal section four of an act entitled "A further supplement to an act entitled 'An act for the better enforcement in Maurice river cove and Delaware bay of the act entitled "An act for the preservation of clams and oysters," approved April fourteenth, one thousand eight hundred and forty-six,' and of the supplements thereto," passed March fourteenth, one thousand eight hundred and ninety.

Section repealed.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section four of chapter fifty of the laws of one thousand eight hundred and ninety entitled "A further supplement to an act entitled 'An act entitled "An act for the better enforcement in Maurice river cove and Delaware bay of the act entitled 'An act for the preservation of clams and oysters,'" approved April fourteenth, one thousand eight hundred and forty-six,' and of the supplements thereto," which further supplement was passed March fourteenth, one thousand eight hundred and ninety, be and the same is hereby repealed.

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

Approved March 22, 1895.

CHAPTER CCXXXVIII.

A Supplement to an act entitled "An act to regulate the practice of medicine and surgery, to license physicians and surgeons, and to punish persons violating the provisions thereof," approved May twenty-second, one thousand eight hundred and ninety-four.

Section to be amended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section nine of an act entitled "An act to regulate the practice of medicine and surgery, to license physicians and surgeons, and to punish persons violating the provisions thereof," approved May twenty-second, one thousand eight hundred and ninety-four, be and the same is hereby amended so it shall read as follows:

To whom the act shall not apply.

9. *And be it enacted*, That this act shall not apply to the commissioned surgeons of the United States army, navy or marine hospital service while so commissioned, or to lawfully-qualified physicians or surgeons residing in other states meeting registered physicians and surgeons of this state in consultation, or to any legally-qualified physician or surgeon of another state taking charge of the practice of a legally-qualified physician or surgeon of this state temporarily during the latter's absence therefrom and upon the written requests to said board therefor, or to any physician or surgeen of another state, and duly authorized under the laws thereof, to practice medicine and surgery therein; *provided*, that such practitioner shall not open an office or place for the practice of his profession within the borders of this state, or to anyone while actually serving as a member of the resident medical staff of any legally-incorporated charitable or municipal hospital or asylum, or to any legally-qualified and registered dentist exclusively engaged in practising the art of dentistry, or to any per-

Proviso.

son claiming the right to practice medicine and surgery in this state who has been practicing therein since before the fourth day of July, one thousand eight hundred and ninety; *provided*, said right or title was obtained upon a duly-registered diploma, of which the holder and applicant was the lawful possessor, issued by a legally-chartered medical institution which, in the opinion of said board, was in good standing at the time said diploma was issued, or to any person resident of this state who has been continuonsly engaged in giving treatment by electricity herein during the past seven years; *provided*, that said person has graduated from a legally-incorporated electro-therapeutic school in good standing.

Proviso.

Proviso.

2. *And be it enacted*, That all acts or parts of acts general or special, not in accordance with the provisions of this act or inconsistent therewith, are hereby repealed, and that this act shall take effect immediately.

Repealer.

Approved March 22, 1895.

CHAPTER CCXXXIX.

An Act concerning assessors.

Assessors of certain cities and incorporated towns shall be members of county board of assessors.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the assessors of all cities of the third class and incorporated towns having but one assessor, who have authority to assess taxes for county purposes, shall represent such city or town in the county board of assessors.

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

Approved March 22, 1895.

CHAPTER CCXL.

An Act to amend an act approved March sixteenth, eighteen hundred and ninety-three, entitled "A supplement to an act entitled 'An act regulating proceedings in criminal cases,' approved March twenty-seventh, one thousand eight hundred and seventy-four, which supplement was approved February sixth, one thousand eight hundred and seventy-nine."

Act to be amended.

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

Certain representatives of the press shall be admitted to witness execution of death penalty.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in cases where the death penalty is inflicted the sheriff shall admit to the execution, in addition to the persons now admitted by law, the accredited representative of the united press and the accredited representative of the standard news association or its successor.

Repealer.

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

Approved March 22, 1895.

CHAPTER CCXLI.

An Act to regulate the crossing at points not within the limits of cities of this state of steam railroads by steam or electric railroads hereafter to be constructed.

Rights of existing roads and the public shall be protected.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever the route of any steam or electric railroad hereafter to be constructed shall cross at points outside of the limits of cities the line of any steam railroad in this state, such crossing shall be made in such a way as will inflict the least injury upon the rights of the company owning or operating the railroad intended to be crossed and as will afford proper protection to the public; and no company shall hereafter construct any steam or electric railroad across the line of any steam railroad except within the limits of a city until it shall have first made application to the chancellor of this state to define the mode in which such crossing shall be made, and it shall thereupon be the duty of the chancellor, after causing reasonable notice of such application to be given to the municipal authorities, and also to the corporation owning or operating the railroad intended to be crossed, to define by his decree the mode in which such crossing shall be made, and if in his judgment it is reasonably practicable and public safety so requires to avoid a grade crossing, he may in his discretion by his decree define and regulate the mode and manner of such crossing, and thereupon such crossing shall be made in the mode defined by such decree, and in no other way.

Chancellor shall define mode of crossing.

New roads shall be subject to existing laws.

2. *And be it enacted*, That crossings of steam railroads by steam or electric railroads within the limits of cities shall be made subject to the present existing laws in regard to the same.

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

Approved March 22, 1895.

CHAPTER CCXLII.

An Act for the further improvement of the farm of the New Jersey state reform school and to facilitate public travel on a road adjoining the same now used as a private road.

WHEREAS, All the lands required for the opening of a public road along the most northerly line of the farm of the New Jersey state reform school have been dedicated by the owners thereof to the use of the public for a public highway, except that portion belonging to said farm, and that, in order to properly open said road, it is necessary that the trustees of said reform school, in whose names the title of said farm is vested, shall join in said dedication for so much of the lands belonging to said farm as shall be required for said road as proposed, but that now they have no power or authority to do so; therefore, Preamble.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the trustees of the New Jersey state reform school be and are hereby authorized and empowered to dedicate to public use as a public highway so much and such part of the farm of the said reform school as in their discretion shall be necessary for the proper laying and opening of said road as a public highway along said northerly line of said farm, and to have the same laid and opened accordingly as proposed. Trustees empowered to lay out and open a new road.

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

Approved March 22, 1895.

CHAPTER CCXLIII.

An Act to authorize cities in this state to issue bonds in certain cases.

Governing body may issue bonds to pay for condemned lands.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That where any city in this state is now or hereafter may be authorized to purchase or condemn lands, property, or rights in lands or property for public purposes within the limits of such city, and no adequate provision is made or authority given to provide for the payment therefor, it shall and may be lawful for the city council or other governing body of such city to issue and dispose of the bonds of such city, on its faith and credit, for any sum not exceeding one hundred thousand dollars, and to use the proceeds thereof for such purpose.

Terms and conditions of bonds.

2. *And be it enacted*, That all bonds so issued shall state on their face that they are issued in pursuance of the authority of this act; they shall bear interest at a rate not exceeding five per centum per annum, and may run from their date for a term not exceeding thirty years; they may be of such form and be made payable, principal and interest, at such place and at such times (not exceeding the term aforesaid) as the city council or other governing body may by ordinance provide.

Payment shall be provided for by taxation.

3. *And be it enacted*, That whenever bonds shall be issued under the authority of this act by any city, such city shall have the right to provide for the payment of the sum by taxation, and it shall be the duty of the proper authorities of such city, either by taxation, or from other revenue received therein, to provide for the payment of the principal and interest thereof as the same shall fall due.

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

Approved March 22, 1895.

CHAPTER CCXLIV.

An Act legalizing, ratifying and confirming the election of village trustees heretofore held in villages incorporated under the act entitled "An act for the formation and government of villages," approved February twenty-third, one thousand eight hundred and ninety-one, and an act to amend said act, approved April eighth, one thousand eight hundred and ninety-two.

Previous elections and act validated.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That any election of village trustees heretofore held or had in any village in this state, incorporated under the act entitled "An act for the formation and government of villages," approved February twenty-third, one thousand eight hundred and ninety-one, and the act to amend said last-mentioned act, approved April eighth, one thousand eight hundred and ninety-two, be and the same is hereby legalized, ratified and confirmed, any law to the contrary notwithstanding.

Trustees elected shall serve out their terms.

2. *And be it enacted*, That the village trustees elected at any such election shall hold and possess their offices until the end of their respective terms.

Number of trustees limited.

3. *And be it enacted*, That only so many village trustees shall be elected in any such case, under existing laws, as will make the whole number of the village trustees five, including those who hold over under existing terms of office.

Repealer.

4. *And be it enacted*, That all acts inconsistent with this act be repealed, and that this act shall be deemed and taken to be a public act, and shall take effect immediately.

Approved March 22, 1895.

New Jersey State Library

CHAPTER CCXLV.

An Act to provide for the expenses of the senate committee of inquiry appointed February thirteenth, one thousand eight hundred and ninety-five.

Preamble.

Whereas, The senate, on the thirteenth day of February, one thousand eight hundred and ninety-five, appointed a select committee of five senators to inquire into certain matters therein referred to relative to the conduct of public officials and the administration of the laws, with power to sit during the recess of the legislature and report to the next session thereof, and said committe is now engaged in such inquiry, and is likely to continue its labors after the adjournment of the present session of the legislature; therefore,

Expenses shall be paid out of the state treasury.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That upon the requisition of said committee, or a majority of them, the comptroller of the treasury shall draw his warrants for, and the state treasurar shall pay, all expenses which may be incurred in such inquiry for witness fees, mileage, counsel fees, compensation of clerks, stenographers and others necessarily employed by said committee, and all other necessary expenses incurred by said committee in the course of their inquiry, and all moneys necessary for said purpose are hereby appropriated out of any moneys in the treasury not otherwise appropriated, and this act shall take effect immediately.

Approved March 22, 1895.

CHAPTER CCXLVI.

An Act to repeal an act entitled "An act for the restoration of the state-house," approved April seventh, one thousand eight hundred and eighty-five.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the act entitled "An act for the restoration of the state-house," approved April seventh, one thousand eight hundred and eighty-five, and the several supplements thereto, be and the same are hereby repealed, and this act shall take effect immediately. Act repealed.

Approved March 22, 1895.

CHAPTER CCXLVII.

An Act to repeal the act entitled "An act to provide for furnishing certain offices in the state capitol," approved June thirteenth, one thousand eight hundred and ninety.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the act entitled "An act to provide for furnishing certain offices in the state capitol," approved June thirteenth, one thousand eight hundred and ninety, be and the same is hereby repealed, and that this act shall take effect immediately. Act repealed.

Approved March 22, 1895.

CHAPTER CCXLVIII.

An Act to repeal the act entitled "An act in relation to the state-house and adjacent public grounds," approved June thirteenth, one thousand eight hundred and ninety.

Act repealed.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the act entitled "An act in relation to the state-house and adjacent public grounds," approved June thirteenth, one thousand eight hundred and ninety, be and the same is hereby repealed, and this act shall take effect immediately.

Approved March 22, 1895.

CHAPTER CCXLIX.

An Act to repeal the act entitled "An act to provide additional facilities for the transaction of public business," approved March ninth, one thousand eight hundred and ninety-one.

Act repealed.

1. BE IT ENACTED, *by the Senate and General Assembly of the State of New Jersey*, That the act entitled "An act to provide additional facilities for the transaction of public business," approved March ninth, one thousand eight hundred and ninety-one, be and the same is hereby repealed, and this act shall take effect immediately.

Approved March 22, 1895.

CHAPTER CCL.

An Act to repeal the joint resolution entitled "Joint resolution authorizing the governor to provide a suitable assembly chamber and committee-rooms for the transaction of public business and appropriating money to defray the cost and expense thereof," approved March twentieth, one thousand eight hundred and ninety-one.

Act repealed.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the joint resolution entitled "Joint resolution authorizing the governor to provide a suitable assembly chamber and committee-rooms for the transaction of public business and appropriating money to defray the cost and expense thereof," approved March twentieth, one thousand eight hundred and ninety-one, be and the same is hereby repealed, and that this act shall take effect immediately.

Approved March 22, 1895.

CHAPTER CCLI.

An Act to repeal the act entitled "An act to provide for the purchase of furniture and appliances rendered necessary by the late fire in the state-house, to provide for the care of the public documents and records, and to defray incidental expenses incurred on the occasion of the said fire," approved March twenty-sixth, one thousand eight hundred and eighty-five.

Act repealed

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the act entitled "An act to provide for the purchase of furniture and appliances rendered necessary by the late fire in the state-house, to provide for the care of the public documents and records, and to defray incidental expenses incurred on the occasion of the said fire," approved March twenty-sixth, one thousand eight hundred and eighty-five, be and the same is hereby repealed, and this act shall take effect immediately.

Approved March 22, 1895.

CHAPTER CCLII.

An Act to prevent the propagation of carp.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be unlawful at any time in this state to place any German carp, mirror carp, leather carp, or carp of any kind whatsoever, or the seed thereof, in any of the public or private waters of this state, under a penalty of not less

Penalty.

than two hundred dollars and not more than five hundred dollars, or imprisonment in the jail of the county where the offense shall have been committed or where the conviction shall be had for not less than thirty days nor more than six months, at the discretion of the magistrate before whom the conviction of any violation of this statute may be had.

How act shall be enforced.

2. *And be it enacted*, That the provisions of this act shall be enforced according to the method of procedure provided for the enforcement of the laws for the protection of fish and game.

Fish and game wardens shall enforce it.

3. *And be it enacted*, That the fish and game protector of this state and all duly appointed fish and game wardens of this state are authorized and required to enforce the provisions of this act, and they shall be entitled therefor to the same fees as they are entitled to under the act for the protection of fish and game.

Persons aggrieved may proceed against offenders.

4. *And be it enacted*, That any person who may have been aggrieved or injured by means of any violation of the first section of this act shall be authorized to institute proceedings for the punishment of the offender.

Conviction shall not bar civil action.

5. *And be it enacted*, That no conviction had under this act shall be a bar to any proceeding an aggrieved party may institute for the recovery of damages in a civil suit.

Act shall not apply to private ponds.

6. *And be it enacted*, That this act shall not apply to the owners or lessees of private ponds stocking such private ponds; *provided*, such private ponds are so constructed as to effectually prevent said carp or the seed thereof from escaping into any of the waters of this state or into private waters owned by other individuals or corporations.

Proviso.

Repealer.

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

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

Approved March 22, 1895.

CHAPTER CCLIII.

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

Proportion of value of school property of old district shall be annually remitted.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That each assessor shall include in the next assessment made by him one-fifth of the total value of all the school property situate within his taxing district, as appraised as now provided by law, and there shall be remitted to the tax-payers of each school district, as said district existed on the thirteenth day of June last, one-fifth of the appraised value of the school property belonging to said school district, and yearly thereafter one-fifth of the value of said property, so appraised as aforesaid, shall be so assessed and remitted, until the total appraised value of said property has been remitted; *provided*, that in case a district lay in two or more townships or boroughs or in a township and borough, the amount ascertained as due that portion of the district lying in the township or borough which does not contain the school house, shall be paid over by the collector of the township or borough in which said property is situated to the collector of the township or borough in which is situated that portion of the district which does not contain the school-house, and the moneys thus paid over shall be used for the repair or improvement of the school property of said township or borough.

Proviso.

Compensation allowed assessor.

2. *And be it enacted*, That for making said appraisement the assessor shall be paid such compensation as shall be determined by the township committee or borough council, and the collector shall receive such compensation for the performance of the duties imposed on him by this act as said committee or council shall allow,

and the compensation to said assessor and collector shall be paid from the funds of the township or borough.

Districts to which act shall not apply.

3. *And be it enacted*, That this act shall not apply to any district whose boundaries have not been changed since the thirteenth day of June last, and that in said districts no appraisement shall be made.

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

Approved March 22, 1895.

CHAPTER CCLIV.

An Act to prevent deception in the sale of cakes and biscuits and to preserve the public health.

Certain substitutes prohibited except on certain conditions.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That no person by himself or his agents or servants nor as an agent or servant shall manufacture, sell, offer for sale, expose for sale, or have in his possession with intent to sell, any cakes or biscuits in which yolka, yolkaline, tumeric, chrome yellow or any other substitute for eggs of like nature has been used, except there be displayed in a public manner on the package in which such cakes and biscuits are carried, or on the place, receptacle or holder in which such articles are placed for sale a label, show card or sign, on which shall be printed in letters of the English language at least three inches high and one and one-half inches wide the words, "these cakes and biscuits are colored with an artificial substitute for eggs."

Penalty.

2. *And be it enacted*, That any person or persons who shall violate any of the provisions of this act shall forfeit and pay a penalty of one hundred dollars for the first offense and two hundred dollars for each subsequent offense to be recovered in an action of debt by any person who may sue for the same, one-half of said penalty

to go to the person so suing and one-half for the use of the municipality where such offence is committed.

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

Approved March 22, 1895.

CHAPTER CCLV.

An Act for the protection of certain kinds of birds, game and fish, and to provide a procedure to recover penalties for the violation hereof.

Unlawful to hunt with intent to take or injure certain birds and animals except in a certain way.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be unlawful for any person or persons at any time, either on their own property or that of others, to pursue with intent to kill or injure, or in any manner to attempt to take or injure, any hare or rabbit, quail (frequently called partridge), ruffed grouse (frequently called partridge or pheasant), European pheasant, European partridge, European grouse, wild deer, buck, doe or fawn, gray snipe (frequently called English or Wilson snipe), duck, brant, goose, dove, swan, gray, black or fox squirrel, woodcock, reed bird, rail bird, marsh hen, grass or upland plover, or other game bird or game animal, excepting in the manner usually known as hunting with gun or with dog and gun, the gun being such as may be held at arm's length and fired from the shoulder without other rests, and at such times as may be permitted in this act, under a penalty of fifty dollars.

Penalty.

Unlawful to capture, kill, destroy or injure the same except in the manner specified.

2. *And be it enacted*, That it shall be unlawful for any person or persons at any time to capture, kill, destroy or injure any of the birds or other animals enumerated in the first section of this act, excepting in the manner usually known as hunting with gun or with dog and gun, said gun being such as may be held at arm's length and fired from the shoulder without other

rests, and at such times as may be permitted in this act, under a penalty of twenty dollars for each bird or other animal captured, killed or injured or destroyed. Penalty.

3. *And be it enacted*, That it shall be unlawful to take, kill, injure or destroy or have unlawfully in possession any wild deer, buck, doe or fawn, excepting only between the twenty-fifth day of October and the fifth day of November, inclusive, in each and every year, under a penalty of one hundred dollars for each and every wild deer, buck, doe or fawn so taken, killed, injured or had unlawfully in possession. Closed season for deer. Penalty.

4. *And be it enacted*, That for the purposes of this section there shall be two game districts in this state, to be known as the "northern game district" and the "southern game district;" the northern game district shall comprise the counties of Sussex, Warren, Hunterdon, Somerset, Morris, Passaic, Bergen, Hudson, Essex, Union, Middlesex and Mercer; the southern game district shall comprise all the other counties of this state. It shall be unlawful to capture, kill or injure or have unlawfully in possession, any hare, rabbit, quail (frequently called partridge), ruffed grouse (frequently called partridge or pheasant), gray, black or fox squirrel, European pheasant, European partridge, European grouse, or woodcock, in the northern game district except only between the twenty-fifth day of October and the tenth day of December, inclusive, in each and every year, under a penalty of twenty dollars for each bird or other animal enumerated so captured, killed, injured or had unlawfully in possession. It shall be unlawful to capture, kill or injure or have unlawfully in possession any hare, rabbit, quail (frequently called partridge), ruffed grouse (frequently called partridge or pheasant), gray, black or fox squirrel, European pheasant, European partridge, European grouse, or woodcock, in the southern game district except only between the fifteenth day of November and the first day of January, inclusive, in each and every year, under a penalty of twenty dollars for each bird or other animal enumerated so captured, killed, injured or had unlawfully in possession. Boundaries of northern and southern districts defined. Open season in northern district. Penalty. Open season in southern district. Penalty.

5. *And be it enacted*, That it shall be unlawful to capture, kill, injure or have unlawfully in possession Open season for snipe, and reed and rail birds.

any gray snipe (commonly called English or Wilson snipe), except only during the months of March and April and also between the thirty-first day of August and the fifteenth day of December, inclusive, in each and every year, and reed-bird, rail-bird or marsh hen, excepting only between the twenty-fifth day of August and the fifteenth day of December, inclusive, in each and every year, under a penalty of twenty dollars for each bird so captured, killed, injured or had unlawfully in possession.

Penalty.

Open season for plover and dove.

6. *And be it enacted*, That it shall be unlawful to capture, kill, injure or have unlawfully in possession any grass or upland plover or dove, excepting only between the first day of November and the fifteenth day of December, inclusive, in each and every year, under a penalty of twenty dollars for each bird so captured, killed, injured or had unlawfully in possession.

Penalty.

Taking, killing or injuring certain birds prohibited.

7. *And be it enacted*, That it shall be unlawful to capture, kill or injure or have in possession after the same have been captured, killed or injured, any night hawk, whip-poor-will, thrush, meadow lark, finch, martin, barn swallow, woodpecker, robin, oriole, red or cardinal bird, cedar bird, tanager or other insectivorous bird, under a penalty of twenty dollars for every bird so captured, killed, injured or had in possession; *provided*, that nothing in this section shall be so construed as to prevent the taking or killing of English sparrows, cranes, hawks, crows, ravens, crow-blackbirds, kingfishers or red-winged black birds.

Penalty.

Proviso.

Unlawful to rob or destroy eggs or nests of any wild birds.

8. *And be it enacted*, That it shall be unlawful to rob or destroy the eggs or nests of any wild bird whatever, under a penalty of twenty dollars for each and every nest so robbed or destroyed.

Penalty.

Prohibitions relative to hunting web-footed wild fowl.

9. *And be it enacted*, That it shall be unlawful for any person or persons hunting or gunning after geese, duck or brant or other web-footed wild fowl to place the boat or sink-box or other floating vessel in which he lies in wait to kill said geese, duck, brant or other web-footed wild fowl at a distance of more than one hundred feet from ice or from marsh or meadow, bar or bank or heaped seaweed not covered with water at high tide, the said boat or other floating vessel to be attached

to said marsh or meadow by a line; and it shall be unlawful for any person or persons, with intent to capture or kill geese, duck, brant or other web-footed wild fowl, to hunt after or pursue them in any manner excepting between one hour before sunrise and one hour after sunset, and every person or persons offending against the provisions of this section shall for each and every effense forfeit and pay the sum of twenty-five dollars. Penalty.

10. *And be it enacted*, That it shall be unlawful for any person or persons to pursue any goose, brant, duck or other web-footed wild fowl with, or to shoot or shoot at the same from any boat or vessel propelled by any means excepting oars or paddles, or from any boat, vessel or similar structure anchored and staked upon the waters of this state at a greater distance than one hundred feet from ice, marsh or meadow, bar or bank or heaped seaweed, not covered with water at high tide, under a penalty of twenty dollars for each and every offense. Prohibition relative to pursuing or shooting web-footed wild fowls. Penalty.

11. *And be it enacted*, That it shall be unlawful to catch, kill or injure, or to have unlawfully in possession after the same has been caught, killed or injured, any goose, duck, brant or other web-footed wild fowl, excepting only between the thirtieth day of September and the first day of May, inclusive, in each and every year, under a penalty of twenty dollars for every goose, duck, brant or other web-footed wild fowls caught, killed, injured or had unlawfully in possession. Open season for web-footed wild fowl. Penalty.

12. *And be it enacted*, That it shall be unlawful for any person or persons to capture, kill, injure or destroy or pursue with such intent any of the game birds or other animals enumerated in this act on his or her own property or on the property of any other person or persons, excepting during the season and at such times and in such manner as provided in this act, and any person or persons so doing shall be liable to the penalties provided for by said act in violation thereof. Unlawful for any person at any place to kill, injure or destroy birds or animals except at times specified

13. *And be it enacted*, That it shall be unlawful to have in possession, sell or offer for sale any rabbit, quail (frequently called partridge), ruffed grouse (frequently called partridge or pheasant), English pheasant, Eng- Unlawful to have in possession or to sell or offer for sale certain birds or animals caught by traps, snares, etc

lish partridge, English grouse, woodcock, reed bird, rail bird, grass or upland plover, marsh hen, duck, or any other of the game birds or animals herein enumerated, after the same has been caught or trapped by means of any snare, snood, net, trap or device of any description whatsoever, under a penalty of twenty dollars for each and every bird and other animal so had unlawfully in possession, sold or exposed for sale.

Penalty.

Unlawful to have in possession sell or offer for sale certain birds or animals except in the season specified.

14. *And be it enacted*, That it is shall be unlawful to have in possession, sell, offer or expose for sale any of the game birds or animals herein enumerated, excepting only in the seasons hereinbefore provided during which said game birds or animals may be lawfully hunted and killed, and within ten days thereafter under penalty of twenty dollars for each and every bird or other animal enumerated so had unlawfully in possession, sold, offered or exposed for sale.

Penalty.

Unlawful to hunt on Sunday.

15. *And be it enacted*, That it shall be unlawful to hunt with a gun, or with a dog, or with any firearms or weapons, or to carry a gun in the fields or in the woods on the Sabbath day (commonly called Sunday), under a penalty of twenty dollars for each and every offense.

Penalty.

Act not to prevent domestication of birds or animals or their propagation.

16. *And be it enacted*, That nothing in this act shall be construed to prevent associations or individuals from domesticating or bringing into this state any animals or birds for the purpose of propagating the same, or keeping the same until a seasonable opportunity offers for their release.

Fishing except with rod and line prohibited.

17. *And be it enacted*, That it shall be unlawful for any person or persons at any time to take or attempt to take any fish from the waters, excepting the tide waters, of this state by any means or any contrivance whatsoever, excepting hook rod and line used in the manner commonly known as angling, under a penalty of fifty dollars for each offense; *provided*, *however*, that this provision shall not apply to the catching of eels by means of a wicker eel-basket or pot and eel-weir between the fifteenth day of September and the first day of November, said weir to be so constructed as not to prevent the migration of fish during the closed season, nor to the spearing of eels, suckers and carp, the taking of minnows for bait with a seine not

Penalty.

Proviso.

over twenty-five feet in length during the whole year; *provided*, that the young of trout, pickerel, bass and pike are not injured thereby, and the taking of fish under the direction of the fish commission of this state; *provided*, that this section shall not apply to any salt or brackish waters of this state. Proviso. Proviso.

18. *And be it enacted*, That it shall be unlawful to catch, kill, take or have in possession any black bass, Oswego bass, except only between and including the thirtieth day of May and the first day of December in any year, under a penalty of twenty dollars for each fish so caught, killed, taken or had unlawfully in possession. Open season for bass fishing. Penalty.

19. *And be it enacted*, That it shall be unlawful to catch, kill, take or have in possession any brook trout, excepting only between and including the first day of April and the fifteenth day of July in each year, under a penalty of twenty dollars for each fish so caught, killed, taken or had unlawfully in possession. Open season for brook trout. Penalty.

20. *And be it enacted*, That it shall be unlawful for any person or persons at any time to kill, sell, expose for sale or have in possession any black bass measuring less than nine inches in length, or any trout measuring less than six inches in length, except for the use of stocking waters of this state therewith, and on license, in writing, first obtained for that purpose, under the hand and seal of the fish and game commissioners of this state, under a penalty of twenty dollars for each fish so killed, sold, exposed for sale or had unlawfully in possession. Unlawful to kill, sell or offer to sell or to have in possession black bass or trout less than a certain size. Exception. Penalty.

21. *And be it enacted*, That it shall be unlawful to place in any pond, lake, river, stream or in any of the waters of this state any dynamite, giant or electric powder or any explosive substance whatever, or any drug or medicated bait, for the purpose of taking or killing fish, under a penalty of not less than one hundred dollars nor more than five hundred dollars for each and every offense, at the discretion of the justice of the peace, police magistrate or district court before whom said conviction is had. Unlawful to use explosives or drugs to take or kill fish. Penalty.

22. *And be it enacted*, That no person or persons, company, corporation or association shall allow any dye stuff, coal tar, sawdust, shavings, tanbark, lime, refuse Penalty for turning deleterious substances into the waters of the state.

from gas-houses or other deleterious or poisonous substance to be turned or allowed to run into any of the waters of this state in quantities destructive of the life of or disturbing the habits of fish inhabiting the same,

Penalty. under a penalty of not less than one hundred dollars or more than five hundred dollars for each and every offense, at the discretion of the justice of the peace, police magistrate or district court before whom such conviction is had,

Unlawful to take fish by drawing off the water.

23. *And be it enacted*, That it shall be unlawful to shut off or draw off the water of any pond, stream or lake in this state for the purpose of taking, capturing

Penalty. or killing the fish therein, under a penalty of not less than twenty-five dollars nor more than two hundred and fifty dollars for each and every offense, at the discretion of the justice of the peace, police magistrate or district court before whom such conviction is had.

Set lines prohibited.

24. *And be it enacted*, That it shall be unlawful to put, place, use or maintain in any of the fresh waters of this state inhabited by pickerel, black bass, perch or trout, any set line or set lines, or to put or use in such waters any line or lines not under the constant and immediate supervision of the person so placing or using

Penalty. such line or lines, under a penalty of twenty-five dollars for each offense.

Closed season for pickerel.

25. *And be it enacted*, That it shall be unlawful to catch, kill, take or have in possession any pickerel, between the twentieth day of February and the first day

Penalty. of May in any year, under a penalty of ten dollars for each fish so caught, killed, taken or had unlawfully in possession.

How pickerel, pike and perch may be taken.

26. *And be it enacted*, That it shall be unlawful to take, or attempt to take, pickerel, pike or perch through the ice, excepting below the tide-waters of this state, except by the use of a single line or single lines, with a single hook on said line or on each of said lines, un-

Penalty. der a penalty of twenty dollars.

Angling in stocked waters prohibited within a certain time specified.

27. *And be it enacted*, That it shall be unlawful to take or catch with hook, line and rod or with spoon and scroll in the manner usually known as angling or trolling, or in any other manner, from any lake, pond or stream any fish of the kind with which such lake, pond

or stream of this state is or may hereafter be first or originally stocked by the fish and game commissioners of this state, or by private individuals, for three years from the time such stock fish are introduced into such lake, pond or stream, under a penalty of twenty-five dollars for each fish so caught or taken; *provided, however*, the fish and game commissioners shall have posted at least ten notices to such effect at equal distances, as near as may be, on the banks or shores of such waters.

Penalty.

Proviso.

28. *And be it enacted*, That it shall be unlawful for any person or persons to enter or trespass on any land for the purpose of taking fish from any private pond, stream or spring after the owner, lessee or rightful occupant of such lake, pond, stream or spring, shall have posted or caused to be posted in prominent places on such land, adjacent to such pond, stream or spring at least ten legibly written or printed notices forbidding such trespassing on said land, for the purpose of taking fish from such pond, stream or spring, under a penalty of twenty-five dollars for each and every such offense.

Trespassing on private ponds or streams forbidden.

Penalty.

29. *And be it enacted*, That the term "waters of this state" for the purposes of this act shall be construed to mean all waters within this state where the tide does not ebb and flow; *provided*, that all waters under the exclusive control of individuals or associations, created and stocked exclusively at the expense of such individuals or associations, and not runways for migratory fish shall be considered private waters and be exempt from the provisions of this act, as far as such individual and the members of such association shall be concerned.

Construction of the term "waters of the state."

Proviso.

What shall be considered as private waters.

30. *And be it enacted*, That it shall be unlawful for any owner, lessee or tenant of any property knowingly to permit the erection or maintenance on his, her or their property of any of the contrivances for the unlawful taking of game and fish prohibited by the provisions of this act, or to permit the setting of a fyke or other net or the drawing of any net whatsoever from the banks of any stream which way form a boundary line for said property, under a penalty of twenty-five dollars for each offense, and it is hereby made the duty of

Erection or maintenance of unlawful contrivances prohibited.

Setting of fykes or drawing of nets in boundary streams prohibited.

Penalty.

such owner, lessee or tenant to immediately destroy any and all such unlawful contrivances.

Removal from the state of prohibited game unlawful.

31. *And be it enacted*, That it shall be unlawful at all times to remove or attempt to remove from this state any of the birds, game or fish whose capture is prohibited or for which a close season is provided by any provision of this act; *provided, however*, that this section shall not apply to birds, game or fish in possession of the person who may have lawfully captured the same during such periods as the provisions of this act make lawful for such capture, and that such removal shall not take place excepting within such periods; and provided that this act shall not apply to common carriers carrying from beyond the confines of this state in unbroken packages to some other point beyond the confines of this state any such birds, game or fish; any person, persons or corporation found guilty of a violation of this section shall be punished by a fine of twenty dollars for each bird, game or fish so removed or attempted to be removed.

Proviso.

Penalty.

Justice of the peace, district courts and police magistrates empowered to try and punish offenders.

32. *And be it enacted*, That hereafter justices of the peace, district courts and police magistrates shall have jurisdiction to try and punish any person or persons accused of violating any of the provisions of this act, and all the different penalties in this act prescribed for violation thereof may be enforced and recovered before any justice of the peace, district court or police magistrate, either in the county where the offense is committed or where the offender is first apprehended or where he may reside.

May issue warrants of arrest.

33. *And be it enacted*, That such justice of the peace, district court or police magistrate, upon receiving proof by affidavit or affidavits of one or more persons of the violation of any of the provisions of this act, is hereby authorized and required, unless the accused is then before him, to issue a warrant, under the hand and seal of said justice or police magistrate, or under the seal of such district court, as the case may be, directed to any constable, police officer, fish and game warden of the county, or the fish and game protector of the state, to cause such person or persons to be arrested and brought before such justice, district court or police magistrate,

and shall thereupon, in a summary way, hear and determine the guilt or innocence of the person or persons so charged, and upon conviction of any such person or persons upon such hearing, the said justice, district court or police magistrate is hereby authorized and required to impose upon the offender or offenders so convicted the penalty or penalties prescribed, together with the costs of prosecution for such offense, and if any person or persons shall fail to pay the penalty or penalties so imposed, together with the costs of prosecution, the said justice, district court or police magistrate is hereby authorized and required to commit such offender to the common jail of the county for a period of not more than ninety days, or until said penalty and costs are paid.

May proceed summarily.

Required to impose penalty on conviction.

Delinquents may be committed to jail.

34. *And be it enacted*, That for the violation of any of the sections of this act done in view of any constable, police officer, fish and game warden or game and fish protector or any officer or detective of any incorporated game protective society such officer is hereby authorized, without warrant, to arrest the offender or offenders, and to carry him or them before a justice of the peace, police magistrate or district court of the county wherein such arrest is made; and the justice, district court or police magistrate before whom such offender shall be taken shall have jurisdiction of the case, and is hereby authorized and required summarily to hear and determine the same after receiving from the said officer an affidavit in writing of the commission of the offense for which the person or persons was or were arrested.

Officers authorized to make arrests on view, without warrant.

35. *And be it enacted*, That in all actions commenced for violation of this act, the prevailing party shall recover costs against the other; the same fees and costs shall be allowed therein as in trial before justice of the peace holding court for the trial of small causes.

Prevailing party shall recover costs.

36. *And be it enacted*, That any case begun under this act may be for good cause shown adjourned by the justice, district court or police magistrate not exceeding thirty days from date of arrest of the defendant, but in such case it shall be the duty of the justice, district court or police magistrate to retain the defendant in

Cases may be adjourned.

Defendant shall give bond for appearance.

custody, unless he shall enter into bond unto the person making the complaint with at least one sufficient surety in double the amount of the penalty prescribed for the offense complained of, conditioned for his appearance at the adjourned day of trial, and thence from day to day until the case is disposed of, and then to abide by the judgment of the justice, district court or police magistrate, or otherwise to demand and perfect an appeal to the court of common pleas of the county within ten days after rendering final judgment; and such bond, if forfeited, may be prosecuted in the name of the person making the complaint in any court of competent jurisdiction; all sums of money recovered for the violation of this act or the forfeiture of such bonds shall be paid, one-third to the person making the complaint, one-third to the game and fish commissioners and one-third to the person or persons furnishing the evidence necessary to secure conviction.

How forfeitures shall be disposed of.

Either party may appeal.

37. *And be it enacted*, That any party to any proceeding instituted under this act may appeal from the judgor sentence of the justice, district court or police magistrate to the court of common pleas of the county in which the said trial shall take place; *provided*, that the party appealing shall, within ten days from the rendering of judgment, serve a written notice of appeal upon the person making the complaint and pay the costs adjudged against him, and deliver to the justice, district court or police magistrate a bond to the opposite party in double the amount of the penalty imposed, with at least one sufficient surety, conditioned to prosecute the appeal, and to stand to and abide by such order or judgment of the court as may be made against him in the premises.

Proviso.

In cases of appeal, papers shall be sent to common pleas.

38. *And be it enacted*, That whenever an appeal shall be taken as aforesaid it shall be the duty of the justice, district court or police magistrate to send all the papers in the case to the next court of common pleas of the said county, which court shall receive and try and determine all such appeals in the same way and manner that appeals from the courts for the trial of small causes where no jury has been had below are now tried and determined in that court, except that on the trial of

such appeals no notice of the production of any new evidence on behalf of either party shall be required. Notice of new evidence not required.

39. *And be it enacted*, That in cases under this act no state of demand or other pleading shall be required, but the preliminary affidavit shall specify the section of this act claimed to have been violated. Pleadings shall not be required.

40. *And be it enacted*, That the duly appointed fish and game protector and fish and game wardens of this state shall have the same power and be entitled to the same fees for the service of process in cases instituted under this act that constables have and are entitled to receive in the courts for the trial of small causes. Protector and wardens may serve process and receive fees therefor.

41. *And be it enacted*, That no person shall be excused from giving evidence in any action or proceedings taken or had under this act on the ground that the evidence might tend to convict such witness or to establish the liability of such witness under any provisions thereof, but such evidence shall not be received against such witness to recover any of the penalties mentioned in this act. No person excused from testifying on plea of inculpation.

42. *And be it enacted*, That when any fish and game warden, or the fish and game protector, or any of the fish and game commissioners, has reason to believe and does believe that any fish and game mentioned in this act are concealed in any house or houses, or in any other place or places during any of the periods aforesaid during which it is unlawful to have such fish or game in possession, any such fish and game warden, or the fish and game protector, or fish and game commissioner, may go before any justice of the peace of the county, or any district court, or police magistrate, in any city wherein such offense may be or has been committed, and make complaint thereof under oath; and that thereupon it shall be the duty of such justice of the peace, or district court, or police magistrate as aforesaid, before whom any such complaint shall be made as aforesaid, thereupon to issue a process in the nature of a search warrant directed to any constable, police officer, fish and game warden of the county, or the fish and game protector of the state, which shall recite such complaint as aforesaid, and shall command such constable, police officer, fish and game warden of the county, or the fish Protectors and wardens may make searches on warrant. Magistrates shall issue warrant on complaint.

and game protector of the state, to immediately search the premises, place or places mentioned in said complaint; and if upon such search any such fish or game as mentioned in said complaint be found, to bring the same, together with the body of the person in whose possession they may be found, before such justice of the peace, or district court, or police magistrate; and that when any such person as aforesaid shall be brought before any justice of the peace, or such other magistrate, upon a process issued as aforesaid, such justice or other magistrate shall proceed as directed by the other sections of this act in cases where an arrest of some one having fish or game unconcealed and unlawfully in possession has been made.

Persons in whose possession fish or game may be unlawfully found may be arrested.

Persons using boats, vessels or contrivances for taking fish unlawfully, shall forfeit the same.

43. *And be it enacted*, That if any person or persons shall be found making use of any boat or boats, vessel or vessels, or of any seine, gill, drift, anchor or sink-nets, fixed-nets, trap, pot, pound, set-line fyke, wire or other apparatus for the unlawful taking of fish in any waters within the jurisdiction of this state, contrary to the intent and meaning of this act, he, she or they shall, in addition to the penalties prescribed, forfeit the boat or boats, vessel or vessels, seine or seines, net or nets, gill or gills, drift or drifts, draw-net or nets, fyke or fykes, trap or traps, pot or pots, pound or pounds, weir or weirs, set-line or lines or other apparatus so unlawfully used; and it shall be the duty of all constables, sheriffs, fish and game protectors or fish and game wardens, or it may be lawful for any other person or persons, to seize and secure any of the aforesaid apparatus, and immediately thereafter give notice to some justice of the peace, district court or other magistrate of the county where said seizure shall have been made, and said justice of the peace, district court or other magistrate is hereby required and authorized at such times and places as he shall appoint to hear and determine in a summary manner whether the same was unlawfully used, and if it shall appear to his satisfaction that the same was used unlawfully, to make an order directing that the same be declared confiscated and forfeited to the use of the game and fish commissioners of this state, who may dispose of the same at their discretion.

Officers or other persons authorized to seize apparatus.

Magistrates required to hear and determine unlawful use.

Judgments against corporations may be docketed.

44. *And be it enacted*, That any judgment obtained under the provisions of this act against a corporation may be docketed in the office of the clerk of the circuit court for the county in which said judgment was obtained, and the sheriff of the county is authorized and directed to proceed to the collection of the judgment as if said judgment had been rendered in the circuit court.

Proceedings on Sunday shall be no bar to prosecution.

45. *And be it enacted*, That proceedings under the provisions of this act may be instituted on any day of the week, and the institution of such proceedings on a Sunday shall be no bar to the successful prosecution of the same and any process served on Sunday shall be as valid and effectual as if served on any other day of the week.

Mode of instituting proceedings.

46. *And be it enacted*, That all proceedings for the recovery of penalties imposed by the provisions of this act shall be entitled and shall run in the name of the state of New Jersey, and one of the fish and game wardens of the state prosecutor, and no proceedings shall be instituted by any person not a duly commissioned fish and game warden or an officer or detective of any incorporated game protector society or fish and game protector of the state without the direction of the fish and game warden appointed for or authorized to act in the county in which said proceedings shall be begun.

Upon second conviction penalty shall be doubled.

47. *And be it enacted*, That in all cases where a person shall be convicted a second time, either in the court where the first conviction was had or in the court where the second conviction is had, double the penalty prescribed shall be imposed for the second conviction, and it is hereby made the duty of every complainant under the provisions of this act who has reason to believe that the accused has been previously convicted of a violation of this act to lay such information before the justice, court or magistrate and adduce such proof in support of the same as may be obtainable.

Acts repealed.

48. *And be it enacted*, That an act entitled "An act concerning trespassing on private lands," approved April twelfth, one thousand eight hundred and ninety-four; "An act for the protection of certain kinds of birds, animals and fish and to provide a procedure to recover

penalties for the violation hereof," approved February twenty-eighth, one thousand eight hundred and ninety-three (except sections forty-five to fifty-six inclusive of said act), and the various supplements thereto, approved April twenty-sixth, one thousand eight hundred and ninety-four, and May twenty-second, one thousand eight hundred and ninety-four, and all other acts or parts of acts inconsistent with the provisions of this act, be and the same are hereby repealed; *provided*, that such repealer shall not be taken or construed to prevent any prosecutions now pending or which may hereafter be begun for the violation heretofore of any section of such repealed laws, and upon conviction of such violations the same penalties shall be enforced in the same manner as though the laws had not been repealed.

Repealer.

Proviso.

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

Approved March 22, 1895.

CHAPTER CCLVI.

A Supplement to an act entitled "An act for the punishment of crimes" [Revision], approved March twenty-seventh, one thousand eight hundred and seventy-four.

Chattel mortgagee of household goods shall notify mortgagor previous to foreclosure; stating re-account in detail.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That before foreclosing any chattel mortgage covering household goods within this state, and before the sale of any such goods covered by a chattel mortgage by the chattel mortgagee, assignee or legal representative of such chattel mortgagee or assignee, within this state, it shall be the duty of such chattel mortgagee, assignee or the legal representative of such chattel mortgagee or assignee, to serve upon the chattel mortgagor, or the person in possession of the goods covered by such chattel mortgage, a notice

in writing at least five days previous to such foreclosure, stating the true amount due upon such chattel mortgage, which amount shall be the amount of the money loaned, together with legal interest thereon, less all payments made by such chattel mortgagor or owner of such goods, or other person for him or them, to the mortgagee, whether such payments were made as interest or as part payment of principal, or as payments for delay or other privileges granted by the said mortgagee or his assignee; any person who shall, either as principal or agent, violate the provisions of this act shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not exceeding one thousand dollars, or imprisonment not exceeding two years, or both. Penalty.

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

Approved March 22, 1895.

CHAPTER CCLVII.

A Supplement to an act entitled "An act to authorize incorporated townships in this state to establish and maintain fire departments, for protection of life and property against fire," approved March twenty-eighth, one thousand eight hundred and eighty-eight.

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

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the board of township committee or other legislative or governing body of any incorporated township in this state having an assessed valuation of not less than four million of dollars shall have power to establish a fire department and to maintain and support the same, and purchase Governing body of certain townships may establish and maintain a fire department.

grounds and erect suitable buildings thereon for that purpose, and to purchase fire engines for the proper equipment of the said fire department with the necessary apparatus for the protection of life and property against fire, but the amount to be expended therefor shall not exceed the sum of twenty thousand dollars; *provided*, that this act shall only apply to townships in this state having a supply of water for the extinguishment of fires, and that no board of township committee or other legislative or governing body of any incorporated township in this state shall expend any money for the purpose incorporated in this act without the consent of a majority of the legal voters of said township as expressed at the regular annual spring election in said township.

Cost limited.

Proviso.

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

Repealer.

Approved March 22, 1895.

CHAPTER CCLVIII.

An Act to amend an act entitled "An act respecting licenses in the boroughs of this state," approved May first, one thousand eight hundred and ninety-four.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the first section of the above-mentioned act be and the same is hereby amended so as to read as follows:

Section to be amended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the mayor and council, common council or other governing body in any borough of this state to make and establish ordinances for the following pur-

Governing body of any borough may make ordinances for certain purposes.

poses, namely: to license and regulate the owners and drivers of express wagons, trucks, hacks, carts, omnibuses, stages and all other carriages and vehicles used for the transportation of passengers, baggage, merchandise and goods and chattels of every kind; also to license and regulate the owners and drivers of all vehicles used in connection with any business or occupation for the purpose of soliciting orders or delivering goods within the limits of the municipality; also to license and regulate all common criers, hawkers, peddlers, pawnbrokers, junk wagons, news stands, sweeps, scavengers, traveling and other street shows, street exhibitions, parades, circuses, concerts, theatres, skating rinks, merry-go-rounds, observation wheels, round-abouts, razzle-dazzles or circular swings, organ-grinders, itinerant venders of medicines and remedies, and merchandise, and to fix the license fees to be paid therefor, which may be imposed for the purpose of revenue; and also to designate and locate stands and places which hackmen, cartmen and all other persons engaged in carrying passengers, baggage and merchandise shall be privileged to occupy when soliciting business, and to prevent the occupying of other places for such purpose, and to fix and prescribe penalties for the violation of any such ordinance or section thereof, in a sum not less than ten dollars or more than one hundred dollars, as may be designated by such governing body; *provided*, that no person or persons shall be required to take out a license in order to sell any product off his farm; *provided, also*, that before selling any of the produce and articles, the person or persons intending to sell the same shall procure from the clerk of such borough an annual permit to sell such produce, and which permit the clerk of such borough is directed to issue upon the filing of an affidavit by the person or persons desiring to sell, such produce intended to be sold will be from off his own farm and of his own growing.

And fix penalties for violation thereof.

Proviso.

Proviso.

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

Approved March 22, 1895.

CHAPTER CCLIX.

An Act concerning boards of health in cities of the first class.

Board may grant and regulate permits and fix fees therefor.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the boards of health in cities of the first class are hereby authorized to grant and regulate permits incident to health matters and fix the fees to be paid therefor.

May pass, alter and repeal ordinances and fix fines and penalties.

2. *And be it enacted*, That said boards of health in said cities of the first class be and are hereby empowered to pass, enact, alter, amend and repeal ordinances relating to the public health of said cities, and fix the amount of fines and penalties for the violation of said ordinances; the method now in use in said cities for the passing, enacting, altering, amending and publishing ordinances in said cities to be the method used to pass, enact, alter, amend, repeal and publish the ordinances herein mentioned; *provided*, *however*, that in any county of this state wherein there is established by law a county board of health and vital statistics, such board shall be and hereby is empowered to make ordinances in relation to, and for the protection of the public health and the registration of vital facts or statistics in and for such county; *and provided*, *further*, that no ordinances to be enacted by any board of health in cities of the first class, or any county board of health, shall be deemed of any force and effect within the limits of any city of the first class located in any county in which there may be established any such county board of health, until the said respective boards shall agree thereto and by ordinance enact and define their separate and respective jurisdictions within the limits of such city.

May provide for registration of vital statistics.

Proviso.

Repealer.

3. *And be it enacted*, That all acts and parts of acts,

inconsistent with this act, are hereby repealed, and that this act shall take effect immediately.

Approved March 22, 1895.

CHAPTER CCLX.

An act for the protection of the public health.

Physicians shall report cases of contagious and communicable diseases.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That every physician shall, within twelve hours after his first professional attendance upon any person who is suffering from cholera, yellow fever, typhus fever, leprosy, plague, trichinosis, small-pox, varioloid, enteric (or typhoid) fever, diphtheria, membranous croup, scarlet fever, or any other contagious, infectious or communicable diseases which hereafter may be publicly declared by the state board of health to be preventible and specially dangerous to the public health, report such sickness to the clerk of the local board of health having jurisdiction over the territory within which such sickness may be, or if such local board of health shall have designated some other officer thereof to receive such reports, then to such officer, which report shall be in writing, signed by such physician, and shall set forth the name, age and precise location of the person suffering from such disease; and every house-owner or householder who knows that any person living, dwelling or being in any building under his control is affected by any of the contagious, infectious or communicable diseases hereinabove specified or referred to shall, when no physician has professionally attended such sick person, within twelve hours after discovering the same, report the fact in writing to the same person and in the same manner as any physician attending such sick person would be required to do as hereinabove set forth; and on the thirtieth day of June and the thirty-first day of Decem-

Setting forth certain facts.

In absence of any physician house owners and householders shall report.

Physician or person making report shall be entitled to fee.

ber in each and every year every physician, house-owner and householder making any report or reports as in this section required, shall be entitled to receive from the officer to whom such report or reports shall have been made during the preceding six months, a certificate in writing under the hand of such officer, setting forth the number of names of persons reported to have been affected with any of the diseases hereinabove specifically named or referred to, which certificate when presented by such physician, house-owner or householder to the proper disbursing officer of the city, borough, town or other local municipal government or township within which such affected person may have been, shall entitle such physician, house-owner or householder to receive from such disbursing officer the sum of ten cents for each and every name by such certificate certified to have been reported, unless such notification shall be found to have been erroneous; and any physician, house-owner or householder who shall refuse or neglect to perform the duty hereinabove required of him shall be liable to a penalty of fifty dollars.

Penalty for neglect to perform this duty.

Officer to whom report is made shall record the same.

2. *And be it enacted*, That the facts contained in every report filed with the clerk or other officer of any local board of health, pursuant to the provisions of the first section of this act, shall be entered by the officer to whom the same shall be delivered in a book kept exclusively for that purpose, which book shall be subject to the inspection of the local board of health and its proper officers, and to the state board of health and its officers only; the officer of the local board of health to whom such report shall be delivered, and whose duty it is to make record of the same, as in this section above set forth, shall also, at least once in each week, and daily when required by the state board of health, transmit the facts stated therein by mail to the board of health of the state of New Jersey, at Trenton, and shall further keep the said state board of health constantly informed concerning the measures which are employed by the local board of health to prevent the spread of the diseases in such reports mentioned, which facts and information shall be conveyed to the said state board of health in writing, and upon such blank forms as may

Officer of local board shall report to state board.

Shall further advise state board.

be furnished by the said state board of health; any officer whose duty it is to make any report to said state board of health, as in this section above provided, and who neglects or fails to perform such duty, shall be liable to a penalty of fifty dollars for each and every such neglect or failure of duty. Penalty.

3. *And be it enacted*, That it shall be unlawful for any common carrier to accept for transportation, or to transport or carry within this state any person affected with any of the contagious, infectious or communicable diseases named or referred to in the first section of this act, or any infected article or articles of clothing, bedding or other property whatsoever, or the body of any person who shall have died of said contagious, infectious or communicable diseases, except the same be enclosed in an hermetically sealed casket, and except a license for such transport be first obtained in writing from the local board of health of the municipality or township in which the said infected person, infected articles or dead body may be located; and any common carrier knowingly violating any of the provisions of this section shall be liable to a penalty of one hundred dollars. Common carriers shall refuse transportation to affected persons or their clothing. Exception. Penalty.

4. *And be it enacted*, That if the board of health of the state of New Jersey shall ascertain any vaccine virus, antitoxin or other animal product sold, or offered for sale, or held for sale or use within this state for prophylactic or remedial purposes, to be dangerous to human health, or so impure or inert as to be inefficacious in rendering immune or less susceptible to disease any person in whom such product may be used, it shall be lawful for the said board of health of the state of New Jersey to prohibit the further sale or use within this state of any vaccine virus, antitoxin or other animal product, as aforesaid, manufactured or produced by the party who shall have manufactured or produced such dangerous, inert, impure or inefficacious product; any person who shall, after such prohibition, and with knowledge thereof, sell, or offer for sale, or use, or offer for use within this state any such prohibited product shall be liable to a penalty of one hundred dollars. Impure, inefficacious or dangerous remedies shall be prohibited. Penalty.

Penalty may be recovered by suit.

5. *And be it enacted*, That any penalty incurred under any of the provisions of the first, second, third or fourth sections of this act may be recovered in an action upon contract, in any court of record within this state, for the use of the state of New Jersey.

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

Approved March 22, 1895.

CHAPTER CCLXI.

Supplement to an act entitled "An act concerning taxes," approved April fourteenth, one thousand eight hundred and forty-six.

Fees to be allowed assessors and collectors.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the several assessors and collectors of the townships of this state shall hereafter be entitled to the following fees and no others for duties performed by them in assessing and collecting all taxes levied for township and county purposes, to wit: eight cents per name for each name on the duplicate of assessment; also the sum of one and one-half per centum on the amount of taxes assessed and collected in their respective townships except when the amount assessed and collected shall exceed forty thousand dollars, in which event the said collector and assessor shall receive the sum of one and one-half per centum upon the first forty thousand dollars, and three-quarters of one per centum upon the amount in excess of forty thousand dollars.

Repealer.

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

Approved March 22, 1895.

CHAPTER CCLXII.

An Act to exempt volunteer fire companies from taxation.

Real and personal estate of companies shall be exempt.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the real and personal estate of any volunteer fire company incorporated under the laws of this state and which is used exclusively for the purposes of such company, shall be exempt from all state, county and municipal taxation so long as such property is used exclusively for such purposes.

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

Approved March 22, 1895.

CHAPTER CCLXIII.

An Act respecting hospitals for the insane and the admission of indigent patients thereto.

Judge of common pleas may investigate and determine case and certify the same.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That when an insane person in indigent circumstances, not a pauper, is found in any county in which there is a hospital for the insane, application may be made in his behalf to any judge of the court of common pleas in such county or to any police justice in any municipality in such county, and the said judge or justice shall thereupon call two reputable physicians and other credible witnesses and fully investigate the facts in the case, and either with or without the verdict of a jury, at his dis-

cretion, shall decide the case as to insanity and indigence; he shall also decide the question of legal settlement, and if the said judge or justice is satisfied with the proof he shall make a certificate that satisfactory proof has been adduced showing such person to be insane and his estate insufficient to support him and his family, or if he has no family, himself, under the visitation of insanity, and shall certify also to the place of legal settlement of such insane person, if any within this state; and on said certificate or a copy thereof, duly authenticated by the county clerk under the seal of the court, such person shall be admitted into the county hospital for the insane if he has a legal settlement in said county, and supported there at the expense of the said county until he shall be restored to soundness of mind, if effected in three years; if such patient has no legal settlement in said county he shall, by order of the court, be transferred to the state hospital for the insane, there to be supported at the expense of the county within which such patient has a legal settlement, if any, or at the expense of the state in case said patient has no legal settlement in this state; the said judge or justice shall have power to compel the attendance of witnesses and jurors and others; he shall file the certificates of physicians taken under oath and the other papers relating to the matter, with a report of his proceedings and decision, with the clerk of the county, and shall report the fact to the board of chosen freeholders of the county where such patient has his legal settlement, and if such patient has no legal settlement within any county, then to the treasurer of the state of New Jersey; and it shall be the duty of the board of chosen freeholders to whom such notice is sent, at their next annual meeting, to raise the money requisite to meet the expenses of support or to otherwise provide for the support of such patient in the asylum or hospital to which he is so sent.

County clerk shall certify copy which shall admit to county hospital.

Proceedings in case of no legal settlement in county.

2. *And be it enacted*, That hereafter it shall not be necessary for the certificate of the judge or justice as provided for in the preceding section, to receive the approval of the chosen freeholder of the ward, township or other municipal division in which said patient or in-

Approval of local chosen freeholder not necessary hereafter.

sane person resides or has his legal settlement, or to give such freeholder any notice of the application for the admission of any such insane person or patient, but one day's notice of the application to such judge or justice shall be given either to the director of the board of chosen freeholders of the county within which such application is made, or to the county counsel of such county.

When patient is violent or dangerous justice may act without giving notice.

3. *And be it enacted*, That where the patient is turbulent, violent or dangerous to himself or others on account of his insanity, said justice may, upon due proof of the character of the insanity and without notice either to the director of the board of chosen freeholders or to the county counsel, make a certificate as provided for in the first section of this act, but in such case it shall be the duty of the said judge or justice to rehear the matter upon application to him by the county counsel and upon one day's notice to the city, township or municipality where such insane person resides, to be served in the case of townships upon the chairman of the township committee, and in cities upon the mayor, and in other municipalities upon the chief executive officer thereof; such application for a rehearing shall have the effect to re-open the case in all particulars, and to set aside and annul the proceedings and decision in such case previously had and made; and in case of the death, illness or other disability of the judge or justice before whom the original hearing was had, application for a rehearing may be made to any judge of said court of common pleas, and it shall thereupon be his duty to proceed in all respects as if the application had been made to him in the first instance.

Case shall be reheard on application.

Repealer.

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

Approved March 22, 1895.

CHAPTER CCLXIV.

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

Court of chancery may direct guardian in management of estate of idiot or lunatic.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the guardian or guardians of any idiot or lunatic appointed under the act to which this is a supplement, by petition in writing, setting forth the fact on which the application is founded, presented in the court of chancery, and verified by the oath of such guardian or guardians, to apply for an order directing what amount may be expended yearly by such guardian or guardians for the support and maintenance of said idiot or lunatic, or that of his or her household, out of his or her personal estate, and the income thereof, and the profits of his or her lands and tenements, or directing the payment of any debt or debts of said idiot or lunatic, or otherwise directing such guardian or guardians in relation to the management or care of the said idiot or lunatic, or his or her estate, and the chancellor is hereby authorized on investigation of the matter alleged in the said petition, to make such order or decree in the premises as he shall deem equitable and just, and to direct that the cost of the application shall be paid out of the estate of the said idiot or lunatic; and the chancellor shall, by order, direct what notice, if any, shall be given to the heir or next of kin of the said idiot or lunatic, of the proceedings to be had or taken under the said petition.

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

Approved March 22, 1895.

CHAPTER CCLXV.

An Act concerning corporations authorized to bridge navigable streams bounding this state.

Time for completion of structure extended.

1. BE IT ENACTED, *by the Senate and General Assembly of the State of New Jersey*, That whenever proceedings have been taken heretofore for the organization of any corporation or corporations under any general, special, public, private or local act authorizing the incorporation of a company for the purpose of building a bridge over or in any part of the navigable waters separating this state from other states where the tide ebbs and flows, the said corporation or corporations so organized shall have an extension of the time limited for the commencement and completion of any such bridge, and such time shall be and the same is hereby extended for the further period of ten 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 this state under any general law, and further agreeing that the exercise of any power granted

Proviso.

Proviso.

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 corporation shall be subject to alteration or repeal by the legislature.

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

Approved March 22, 1895.

CHAPTER CCLXVI.

Supplement to an act entitled "An act to protect the planting and cultivating of oysters in the tide-waters of this state," which act was approved May seventeenth, one thousand eight hundred and ninety-four.

Penalty for removing stakes, buoys or monuments.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That any person or persons removing any stakes, buoys or monuments placed or erected for the purposes as set forth in the first section of the act to which this is a supplement, shall, upon conviction thereof before any court of competent jurisdiction, pay a fine of twenty dollars or be imprisoned in the county jail for a period not exceeding ninety days, either or both, at the discretion of the court.

Repealer.

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

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

Approved March 22, 1895.

CHAPTER CCLXVII.

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

Districts acting under special or city charter may be relieved from special or local law by adopting this act.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That any district acting under a special charter, or under the provisions contained in charter of any city, town or other municipality, may be relieved from the provisions and limitations of such special or local law upon the adoption of the provisions of the act to which this is a supplement, and the supplements thereto, by the legal voters of said district at any meeting of such voters called for that purpose, as provided in section two of this act.

Question shall be submitted at an election.

2. *And be it enacted*, That whenever the board of education of any such district shall, by resolution, decide to submit the question of the adoption of the act to which this is a supplement to the voters of the district, it shall be the duty of the district clerk to post notices giving the time, place and object of the said meeting, in the manner provided for the calling of special school meetings by the act to which this is a supplement, and if at such meeting a majority of the legal voters present shall vote to adopt the provisions of the act to which this is a supplement, thereafter said district shall be governed solely by the general school laws of this state applicable thereto instead of the special act, and the said board of education shall forthwith file a certificate with the county superintendent setting forth the determination of said meeting and said district shall remain and be a separate school district until consolidated with an adjoining district as hereinafter provided.

Certificate of result shall be filed.

When a district may be set off from the township district.

3. *And be it enacted*, That each city, borough and incorporated town, acting under the provisions of this act, which contains four hundred or more children between the ages of five and eighteen years, shall be a school district, separate and distinct from the township school district; but each city, borough and incorporated town, acting under the provisions of this act, which contains less than four hundred children between the ages of five and eighteen years, shall be a part of the township school district in which said city, borough or incorporated town is situated; nothing in this section, however, shall be construed as abolishing any school district now legally constituted, notwithstanding such district contains less than four hundred children between the ages of five and eighteen years, but each of said districts shall remain and be a separate school district until consolidated with an adjoining district as hereinafter provided; *provided, further*, that this section shall not apply to any district acting under a special charter or whose boundaries are fixed by special act incorporating said district; *and further provided*, that nothing in this section shall apply to any city, borough or incorporated town or proposed city, borough or incorporated town where proceedings are now pending for the incorporation of the same.

Not to be construed as abolishing any district.

Proviso.

Proceedings to consolidate school districts.

4. *And be it enacted*, That whenever any school district desires to consolidate with an adjoining school district, the board of education of said district shall petition the county superintendent of the county in which said districts are situated, to appoint a time when meetings of the legal voters of each of the districts proposed to be consolidated shall be held, and it shall be the duty of said county superintendent, upon receiving said petition, to appoint a day for said meetings, and to notify the board of education of each of the districts of his action; and it shall be the duty of each board of education receiving said notification to direct the district clerk to post notices calling a special meeting of the legal voters of the district for the purpose of voting on the question of the consolidation of said districts, which meeting shall be called in the same

manner as other special meetings; said meeting shall be held on the day designated by the county superintendent, at such hour and place as may be determined by the board of education; and it shall be the duty of the chairman of said meeting to file with the county superintendent, within five days after the date of said meeting, a certificate, signed by himself and attested by the secretary of said meeting, setting forth the number of votes cast for and the number cast against consolidation, and if the county superintendent ascertains from said certificate that the total number of votes cast in both of said districts in favor of consolidation, exceeds the total number of votes cast against the same, it shall be his duty to declare that thereafter said districts shall constitute but one district, and he shall immediately notify each of the boards of education of the result of said election.

Certificate of result shall be filed.

County superintendent shall notify school boards of the result.

5. *And be it enacted*, That the board of education of each district consolidated in the manner provided in the preceding section shall, upon receipt of the notice from the county superintendent of such consolidation, select by lot four of its members to serve as members of the board of education of the consolidated district, and the eight members so selected shall select the ninth member of said board from among the remaining members of the board of education representing that portion of the consolidated district which contained the greater number of children between the ages of five and eighteen years, as ascertained from the last preceding school census, and the members of the board of education so selected shall constitute the board of education of the consolidated district, and shall continue in office until the next annual meeting for the election of members of boards of education; and at said annual meeting a board of education shall be elected as provided for the election of members of boards of education in new districts, as provided in the act to which this is a supplement, and the terms of office of the remaining members of the boards of education of each of said districts so consolidated shall thereupon cease and determine; *provided*, that if the board of education of one of the districts so consolidated shall consist of

How new school board shall be organized, which shall hold until next annual election.

Proviso

but three members, all of said members shall be members of the board of education of the consolidated district, and six members of said board shall be chosen from the board of education of the other district so consolidated; *and provided further*, that if each of said boards of education consists of three members, said boards shall constitute the board of education of the consolidated district until the next annual meeting for the election of members of boards of education.

Proviso.

Repealer.

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

Approved March 22, 1895.

CHAPTER CCLXVIII.

An Act authorizing any town, township or borough or part thereof, containing a population exceeding five thousand inhabitants, to be incorporated as a city, after a vote of the people, and providing for the government and powers of such cities.

Proceedings for re-incorporation as a city.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the inhabitants of any town or borough, or of any township or part thereof, which had by the census of the United States taken in the year one thousand eight hundred and ninety, or which may have by any census hereafter taken under authority of any act of congress or of the legislature of this state, a population exceeding five thousand inhabitants, may become a body politic and corporate in fact and in law, by the name and title of "the mayor and city council of ——" (specifying the name to be borne by such city), whenever at any special election called for that purpose, or at any town or charter meeting or election at which the question of incor-

porating under this act is submitted, as hereinafter provided, it shall be so decided by a majority of the voters thereof voting at any such election; none of the provisions of any general or special act relative to cities in this state shall apply to cities organized under this act, nor shall any such act hereafter enacted so apply, unless the same shall be a supplement to this act, or such future act shall by its terms be made applicable to cities incorporated under this act.

Special election on the question may be ordered on petition.

2. *And be it enacted*, That the council, township committee or other governing body of any such town, borough or township, upon the petition, in writing, of at least fifty resident freeholders, which petition must designate the name proposed for said city and the boundary lines of the district intended to be so incorporated, except where a whole township, town or borough is proposed to be erected into a city, in which case it shall only be necessary to state in the petition the fact that the boundary lines of the city are to be concurrent with the lines of such existing town, township or borough, may, by the votes of the majority of all the members thereof, pass a resolution or ordinance for the holding of a special election in such town, borough, township or part thereof for the purpose of deciding whether such town, borough, township or part thereof shall become incorporated as a city under the provisions of this act, which resolution or ordinance shall prescribe the time and place or places of holding such special election and such other regulations respecting the same as may be deemed necessary and proper; *provided*, *however*, that instead of providing for a special election such resolution or ordinance may provide for submitting the question of incorporating as a city under this act to the voters of such town, borough or township, or part thereof, at the town charter meeting or election to be held next thereafter.

Proviso.

Notice of election shall be advertised and posted.

3. *And be it enacted*, That if a special election be called, notice of the same shall be given by advertisement published in one or more newspapers of such town, borough or township, and if there be none, in at least two newspapers published in the county and circulating in such town, borough or township, at least once, and

by printed notices posted in at least one hundred conspicuous places therein, at least ten days next preceding the time appointed for such special election, which advertisements and notices shall specify the time, place or places and the object and purpose of holding such election; and in case said resolution or ordinance provides for submitting the question of incorporating as a city under this act at a town or charter meeting or election, notice thereof shall be given by advertisement published in one or more newspapers of such town, borough or township, and if there be none, in two newspapers published in the county and circulating in such town, borough or township for two weeks successively, next preceding the day appointed by law for holding such election, at least once in each week, and by printed notices posted in at least one hundred conspicuous places therein, at least fifteen days prior to the day appointed by law for holding such election, which advertisement and notices shall set forth that the question of incorporating as a city under the provisions of this act will be submitted at the next ensuing town or charter meeting or election.

Election shall be by ballot and conducted under the general election law.

4. *And be it enacted*, That any special election held under the provisions of this act shall be by ballot, and shall be held and conducted under the general acts respecting elections, and the votes shall be canvassed and counted in the manner provided by law for canvassing and counting votes at town or local elections held in such town, borough, township or part thereof; the ballots shall contain the words "for incorporation as a city under the act entitled 'An act authorizing any town, township or borough, or part thereof, containing a population exceeding four thousand inhabitants, to be incorporated as a city, after a vote of the people, and providing for the government and powers of such cities,'" or "against incorporation as a city under the act entitled 'An act authorizing any town, township or borough or part thereof containing a population exceeding four thousand inhabitants to be incorporated as a city, after a vote of the people; and providing for the government and powers of such cities,'" and in case the question of incorporation as a city under

this act shall be submitted at a town or charter meeting or election, the words "for incorporation as a city under the act entitled 'An act providing for the incorporation and government of cities,'" shall be printed on each ballot beneath the list of candidates thereon; if said words or proposition be marked off or defaced upon the ballot it shall be counted as a vote against the same; if not marked off or defaced the ballot shall be counted as a vote in favor thereof; if a majority of the votes so cast at any special town or charter meeting or election shall be in favor of incorporation as a city under this act, then within three days after the result of the election shall have been declared, a certificate of the result of such election, signed by the chairman of the council, committee or governing body of such town, borough, township or part thereof; and attested by the clerk thereof, together with certified copies of the petition, ordinance and statement of the board of canvassers or election officers who canvassed the vote, and proof by affidavits that due notice of such election was given, shall be filed with the secretary of state, and from and after filing the same such town, borough, township or part thereof, shall be and it is hereby declared to be a body politic and corporate in fact and in law by the name and title aforesaid, and by said name and title shall have perpetual succession, sue and be sued, prosecute and defend in all courts in this state; have a common seal and alter the same at pleasure, and purchase, hold and convey real and personal property for the use and benefit of the city.

Certificate of result shall be filed when act shall take effect.

5. *And be it enacted*, That it shall be the duty of the council, township committee or other governing body of such town, borough, township or part thereof, which shall have voted as aforesaid for incorporation as a city under this act, to divide such city into not less than three wards; each ward shall consist of contiguous territory, and each shall contain as nearly as possible an equal number of inhabitants; *provided, however*, that such division into wards shall be made at least one month before the first annual city election held under this act; *and provided, further*, that where any town, borough, township or part thereof shall have been

Governing body shall divide city into wards.

Proviso.

Proviso.

divided into three or more wards before adopting this act, such division shall continue, and such existing wards shall constitute the wards of the city as formed and incorporated under this act; and further, that the city council may be empowered once in four years, or upon the addition of new territory, if it shall be deemed needful to increase, revise and alter the existing wards in such manner as to secure an equal division of inhabitants in each.

Old officers shall hold until a time succeeding the annual election.

6. *And be it enacted*, That the officers of any town, borough, township or part thereof, which has voted as aforesaid for incorporation as a city under this act, who shall hold office at the time of filing the aforesaid certificate with the secretary of state, shall continue to hold their respective offices until the first day of May next succeeding the first annual city election held under this act, and shall in all things be subject to the provisions of this act in the same way as if they had been elected hereunder; and no surety of of any such officer shall be discharged from liability on account of any change made in the duties of such officer by this act, unless, within five days after this act becomes operative in such city, he shall, in writing, notify the council of his intention to withdraw from his suretyship, in which case he shall be discharged from liability from the time this act becomes operative in such city; and the council may require such officer to furnish new additional sureties in place of the ones withdrawing as aforesaid; and if he fails or neglects so to do, the council may declare his office vacant, and may fill such vacancy in the manner hereinafter prescribed for the filling of vacancies.

When sureties may be discharged.

Additional sureties may be required.

Governing body may temporarily fill offices herein provided for.

7. *And be it enacted*, That the council or governing body of the city may fill by appointment all such offices herein provided for which did not exist in the town, borough, township or part thereof of which it is the successor; and all such appointments to elective offices shall hold only until the first day of May next succeeding the first city election held under the provisions of this act, and all other such appointments shall hold only until the first day of June next thereafter.

8. *And be it enacted*, That any city which may be

formed or incorporated under the provisions of this act shall take, hold, possess and enjoy and become absolutely vested with all the rights and property of the town, borough, township or part thereof of which it is the successor, or if part of a township is incorporated the rights and property embraced within the district incorporated, and shall be responsible for and liable to all contracts, debts and obligations of such town, borough or township, or in case a part of the township, then its equitable share thereof; and further, that whenever a majority of the voters of any adjoining borough, township or part thereof shall desire to be annexed and incorporated within the limits of any city incorporated under this act, and shall so express their willingness by petition of its governing body to the city council, it shall be lawful for the mayor of the city, with the approval of a two-thirds vote of the city council, to submit such proposal to a vote of the people of the city at a special or annual election; and if a majority of the voters shall be in favor of enlarging the limits of the city and accepting the proposal, then to take all necessary legal action, if any, to receive the said district into the city limits; and upon the acceptance of the proposal by the city, said borough or township government shall be deemed dissolved within the said territory and the said territory shall become a part of the said city.

City shall be vested with rights and property of former corporation.

Adjoining municipalities may be annexed.

Proceedings for annexation.

9. *And be it enacted*, That the city and ward officers of the city shall be a mayor, a city council, consisting of one councilman from each ward, a city clerk, a receiver of taxes, a city treasurer, a city attorney, an assessor, a recorder, a board of commissioners of appeal, consisting of one member from each ward, an overseer of the poor, one or more city surveyors, one or more poundkeepers, a board of education, consisting of one member from each ward, a board of excise commissioners, consisting of five members, a health inspector and a city physician, three commissioners of assessment, a chief of police and a chief engineer of the fire department, two constables in each ward, a street commissioner and such number of justices of the peace as the city may be entitled to under the constitution and laws of this state; and all cities incorporated under this act

What the city and ward officers shall consist of.

shall be entitled to be represented by not less than two freeholders in the board of chosen freeholders of the counties in which they are respectively chosen or as now allowed by law; *provided, however*, that in any city to which this act applies which shall at any time have a population exceeding ten thousand inhabitants, as shown by any national or state census, there shall be two councilmen and two members of the board of education and one assessor from each ward, and at the first election held under this act in cities in which two are to be elected from any ward one shall be elected for one year and one for two years, and annually thereafter one shall be elected for two years, except in case of a vacancy; the assessors of the various wards in cities electing by wards shall constitute a "board of assessment," and a majority of said board shall have authority to determine and equalize all valuations of property in such city, and such cities shall have as many votes in the board of county assessors in the county in which such city is as there shall be wards in any such city.

Proviso.

Elective officers.

10. *And be it enacted*, That the mayor, councilmen, city clerk, city collector, assessor, constables, members of the board of education and commissioners of appeal shall be elected at an annual city election; the city treasurer, city attorney, recorder, health inspector, overseer of the poor, chief of police, city surveyors, commissioners of assessment and poundkeepers shall be appointed by the council in the manner and for the terms hereinafter provided; the chief of the fire department shall be elected in the manner and for the term hereinafter provided, by the active members of the fire department; *provided*, that in cities to which this act applies having more than ten thousand inhabitants, that the city clerk shall be appointed by the city council, and the treasurer, receiver of taxes, chief of police and chief of the fire department shall be nominated by the mayor and be appointed by him by and with the advice and consent of the city council by a majority of the whole number of councilmen.

Appointive officers.

Proviso.

When the annual city election shall be held and how conducted.

11. *And be it enacted*, That the annual city election after the first shall be held on the second Tuesday in April in each year, between the hours of seven o'clock

in the morning and seven o'clock in the afternoon, at the place or places in each ward designated by the council, in the same manner and under the same regulations in all things as is prescribed by law for election of members of the general assembly of this state; notice of the time and place or places of such election and of the officers to be chosen shall be given by the city clerk at least two weeks before the day of election, by publication in one or more newspapers of the city, and if there be none, by publication in at least one newspaper published in the county in which the city is situated and generally circulating in the city; no person shall be permitted to vote at any such election unless he is an actual resident of the election district in which he offers his vote; immediately after the polls shall be closed at any such election the election officers of each election district shall count the votes given for the several candidates, and certify under their hands the number given for each, and publicly announce the same; and within twenty-four hours thereafter they shall deliver one such statement to the judge or inspector, who shall be delegated to attend the meeting of the board of city canvassers, and one to the city clerk and one to the county clerk, to be by them filed in their respective offices.

Notice of election shall be advertised and posted.

Qualification of voters.

Result shall be certified and filed.

12. *And be it enacted*, That the person or persons receiving the greatest number of votes of those given in the city for any city office and of those given in each ward respectively, for any office in or from the ward, shall be declared to be elected.

Plurality shall elect.

13. *And be it enacted*, That the board of city canvassers shall consist of one judge or inspector of election from each election district in the city, who shall be appointed for that purpose by the other election officers (excluding the clerk) of such district, a majority of the board shall constitute a quorum, and the city clerk shall be clerk of said board; the board shall meet on the Friday next after such election, at three o'clock in the afternoon, at the city hall or place designated by the city council, and shall choose one of their number to be chairman thereof; if the city clerk shall fail to attend, the board may appoint one of their own number to

Board of canvassers—how composed.

When it shall meet and how it shall be organized.

be clerk thereof; thereupon the members of the board shall produce the statements which shall have been delivered to them as aforesaid, and lay the same before the board, and from such statements the board shall proceed to ascertain the votes given at such election for the several officers voted for thereat; *provided, however*, that if for any reason, any member of such board shall fail to produce such statement, that then, on the request of the board, the city clerk shall produce and lay before the board the statement filed with him, and the same may be used with the like effect as if it had been produced by the member so failing to deliver his statement.

Proviso.

Duties of the board.

14. *And be it enacted*, That the said board of canvassers shall make a written statement of the number of votes given for the several officers to be elected for said city and the several wards thereof, the names of the persons for whom such votes were given and the number of votes given for each; that upon such statement said board shall proceed to determine and declare what person or persons have received the greatest number of votes for each of the officers mentioned in such statement; the statement and final declarations of the board shall be certified to by the presiding officer and clerk, and shall be filed with the city clerk and be by him recorded in a book to be kept for that purpose, and within two days after such canvass of the votes, the city clerk shall deliver to every person elected to any city or ward office a certificate thereof, under the seal of the city.

Final statement; shall be certified and recorded.

In cases of tie, existing council shall elect temporarily.

15. *And be it enacted*, That if at any such election there shall be a failure to fill any office, except that of councilman or member of the board of education, commissioners of appeal and board of excise commissioners, by reason of two or more persons having received an equal number of votes therefor, the city council then in office shall by ballot elect one of the persons so receiving an equal number of votes to fill such office until the next city election, when the unexpired portion of the term (if any) shall be filled by the electors of the city; and if there shall be a failure for like cause to fill the office of councilman or member of the board of educa-

New election shall be held for councilmen tied.

tion, a new election for such officer or officers shall be immediately ordered by the city council.

Eligibility to hold office.

16. *And be it enacted*, That no person shall be eligible to any office under this act unless he shall have resided in the city for the period of at least two years, and no person shall be eligible to any ward office unless he shall be an actual resident of the ward; and no person shall be eligible to any office unless he is a citizen of the United States; *provided*, *however*, that when any person elected or appoined to any city or ward office shall remove from the city or ward his office shall thereby become vacant. Proviso.

Council shall fill vacancies until succeeding election.

17. *And be it enacted*, That in case a vacancy occurs by reason of the death, resignation, inability, disqualification, removal or refusal to serve of or by any city or ward officer, elected as aforesaid, it shall be lawful for the city council to fill such vacancy by the appointment of a suitable and qualified elector to hold until his successor shall have been duly elected and qualified, and the unexpired portion of the term (if any remain) shall be filled at the city election to be held next after such appointment; *provided*, *however*, that in case any such vacancy shall occur in the board of education, said board of education may fill such vacancy by appointment until the next city election, when the vacancy shall be filled by the electors of the city; *provided*, that if at any city election there shall be a vacancy in any office to be filled and at the same time an election for a full term of such office, the term for which each person shall be voted for shall be designated on each ballot cast therefor. Proviso. Proviso.

18. *And be it enacted*, That in case any such vacancy as aforesaid shall occur in any office which is filled by appointment or election by the city council, the said city council shall have power to fill such vacancy by the appointment of a suitable person to hold for the unexpired portion of the term of such office.

All officers shall qualify.

19. *And be it enacted*, That every person elected or appointed under this act to any office, shall, within ten days after such election or appointment, take and subscribe before an officer qualified to administer oaths, an oath or affirmation, faithfully and impartially to execute

the duties of his office according to the best of his ability and understanding, which oath or affirmation shall be filed in the city clerk's office, and if any person so elected or appointed shall fail so to qualify, then his office shall be deemed vacant, and may be filled in the manner hereinbefore provided.

Oath of office shall be filed.

Certain officers shall give bonds.

20. *And be it enacted*, That the city clerk, city treasurer, receiver of taxes and such other officers as the city council may require, before they enter on the duties of their office and within such time as the board of council may by ordinance prescribe, shall give bonds to the city in its corporate name in such sums and with such sureties as the board of council shall require and approve for the faithful performance of their duties, which bonds, when so given, shall bind the obligors therein named until the successors to the officers giving the same shall be actually inducted into office, and if any officer shall fail or neglect to give bonds in the sum or with the sureties or within the time required by such ordinance, the council may declare such office vacant, and such vacancy shall be filled in the manner hereinbefore provided.

Failing to do so, office shall be vacated.

When official terms shall commence.

21. *And be it enacted*, That the official terms of the several officers who shall be elected under this act at any election after the first shall commence on the first day of May next succeeding their election; and the term of any officer who shall be appointed by virtue of this act shall commence on the first day of June next succeeding his appointment, except in cases otherwise provided for in this act, and every officer shall hold his office during his official term and until his successor shall have been duly elected or appointed and shall have duly qualified.

Retiring officers shall surrender books, papers and property of the city.

22. *And be it enacted*, That it shall be the duty of every officer in said city within ten days after the expiration of his term of office or his removal therefrom, to deliver to his successor in office, or to such person as the city council may appoint, all books, records, papers, vouchers and property of every kind in his possession or under his control, belonging to said city or appertaining to such office, and for a failure so to do he shall forfeit and pay to the city the sum of five hundred

Penalty.

dollars, to be sued for and recovered in the name of the city with costs.

Salaries shall be fixed by ordinance.

23. *And be it enacted*, That the salaries and compensation to be paid to the mayor, councilmen, city clerk, the receiver of taxes, the city treasurer, the city attorney, the recorder, the assessor, the chief of police, health inspector, city physician, street commissioner, members of the police force, the overseer of the poor, the city surveyors, poundkeepers, commissioners of appeal and commissioners of assessment, and all other public officers shall be fixed by ordinance, and the salary or compensation of any officer which has been fixed as aforesaid shall not be increased or diminished during his term of office, and all fees paid to any of said officers for any services required of them by this act or by any ordinance or resolution of the city council, shall immediately after the receipt thereof be paid by such officer to the city treasurer for the use of the city unless herein otherwise specially provided.

Fees shall be paid to city treasurer, unless otherwise provided.

All officers shall be governed by general ordinances.

24. *And be it enacted*, That all officers of the city shall be governed by such general ordinances as the city council may from time to time adopt, not inconsistent with the provisions of this act and the laws of this state, and every officer may be removed from office for cause by a two-thirds vote of all the members of the council, but no such removal shall take place until the person sought to be removed shall have had an opportunity of being heard in his own defense; but the provisions of this section shall not apply to any member or officer of the board of education.

Every officer may be removed for cause.

Not applicable to board of education.

Term of office and duties of city clerk.

25. *And be it enacted*, That the city clerk shall hold office for the term of two years, and shall, in addition to the duties required of him by this act or any other law of this state, have charge of all the records, books and documents of the city, except when the city council shall otherwise direct; he shall keep a record of the proceedings of the council; he shall engross all ordinances in a book to be provided for that purpose, which book shall be deemed a public record of such ordinances, and each ordinance shall be signed in said book by the chairman of the council and said clerk; copies of all papers duly filed in the office of the city

clerk and transcripts thereof, and of the records and proceedings of the board of council and copies of the ordinances of said city, certified by the said clerk under the corporate seal of the city, shall be evidence in all courts and places; the city clerk shall pay over to the city treasurer, without delay, all moneys received by or paid to him for the use of the city; his office shall be at the city hall or the place designated by the city council and he shall keep the same open for the transaction of public business during such hours as the council shall by ordinance prescribe; it shall be lawful for him to charge and receive for his own use, at the rate o. ten cents per folio, for copies of all official papers and records and for the return to any writ of certiorari made by him.

Term, duties and powers of the mayor.

26. *And be it enacted*, That at the first city election held under this act, a mayor shall be elected for two years, and at the annual election every two years thereafter; he shall be the chief executive officer of the city, and may recommend the city council to pass such measures as he may deem necessary or expedient for the welfare of the city; it shall be his duty to communicate to the city council, at their first meeting in each year, and at other times when he shall deem it expedient, a general statement of the condition of the city in relation to its government, finances and improvements, with such recommendations as he may think proper; to be vigilant and active in causing the laws and ordinances of the city to be executed and enforced; to exercise a constant supervision over the conduct of all subordinate officers, and to examine into all complaints preferred against them for violation or neglect of duty; and generally, to perform all such duties as may be required of him by law or ordinance; that he is hereby invested with all the powers which any police justice may now or may hereafter have by law, and that for the purpose of quelling any insurrection, riot, disturbance or disorderly assemblage, the said mayor shall have control of the marshals, constables, watchmen and other police force of the city, and power to call upon the citizens for aid in cases of insurrection, riot or disturbance of the public peace, and when he shall deem it necessary to call out the militia of the city, if any,

and employ the same in quelling such insurrection, riot or disturbance; every resolution or city ordinance passed by the city council shall, before it takes effect, be presented to the mayor by the city clerk, duly certified by the chairman of the city council and city clerk; if he approve it, he shall sign it; if not, he shall return it with his objections, and file it with the clerk within ten days after receiving it; and the city council shall at its first regular meeting thereafter enter the objections at length on its journal, and shall proceed to reconsider the same, and if two-thirds of all the members of the city council agree to pass the same, it shall take effect, but in every such case the vote shall be taken by ayes and nays and entered on the journal; and if such ordinances shall not be returned within ten days as aforesaid, it shall take effect in like manner if the mayor had signed it; and each and every ordinance so passed as aforesaid shall be published for the space of two weeks in one or more newspapers printed and published in the city; that whenever there shall be a vacancy in the office of mayor, or whenever the mayor shall be prevented by absence from the city, sickness or any other cause from performing the duties of the office, then the chairman of the city council shall act as mayor pro tempore, and he shall possess all the rights and powers of the mayor, until such disability be removed, or a new mayor be elected; *and provided further*, that Proviso. if at any time there shall be a tie vote in the city council, the mayor shall, upon the application in writing of a member of said council, attend the meeting or call a special meeting of the city council to consider the subject under discussion, and he shall be entitled to vote upon such question; *provided, however*, that the pro- Proviso. visions of the foregoing proviso to this section shall not apply to any city having a population exceeding ten thousand inhabitants, except in case of a tie vote upon the question of the election of a chairman of the city council, and of a city clerk, and then only in case a tie vote shall again occur at the meeting at which the mayor shall so be present, in which case after such tie shall be found to exist he shall then give the casting vote.

When council shall meet and organize.

27. *And be it enacted*, That the councilmen from the several wards shall constitute the city council; they shall meet annually for organization on the first day of May, unless that day shall fall on Sunday, in which case they shall meet on the day preceding; they shall elect one of their own number chairman by a majority vote, whose duty it shall be to preside over all meetings of the city council, and in his absence the council may elect a chairman pro tempore; a majority of the whole number of councilmen shall constitute a quorum for the transaction of business, but a smaller number may meet and adjourn from to time; the city council shall hold stated meetings at least once in each month, at the city hall (or if there be none, at such place within the city as they may appoint by resolution) at such time as may be appointed; they shall determine and establish the rules of their own proceedings, and pass ordinances, by-laws and resolutions pertaining to the purposes and objects of the corporation as may be necessary for properly carrying out the provisions of this act; the mayor or chairman of the city council shall each have power to call special meetings of the council when necessary, and in case of their neglect or refusal to do so, it shall be lawful for any three members of such council to call any special meeting, by written or printed notice to each member, served personally or left at their places of residence at least twenty-four hours previous to the time appointed for such meeting.

Quorum.

Stated meetings.

Powers and duties.

Special meetings

Receiver of taxes—term and duties.

28. *And be it enacted*, That the receiver of taxes shall hold office for the term of two years, and it shall be his duty to receive and collect all moneys due to the city, whether for taxes, assessments, arrears of taxes or otherwise; the city council shall provide him with an office, which he shall attend at such times as shall be designated by the council by ordinance; he shall enter, in suitable books to be provided for that purpose, by the council, any sums received by him for any purpose, and he shall specify in such entry the names of the persons by whom or on whose account the payments are made, the dates of payment and the purpose for which payment is made, and if any part of any pay-

ment is for interest or penalties, the amount thereof shall be separately stated; he shall at least once each week pay over all moneys collected by him for the city to the city treasurer and shall take his receipt therefor; he shall furnish the council at least once in each month, and oftener if required, a statement of all moneys received and collected by him since his last preceding report was made, and he shall perform all such other duties appertaining to the said office as the council shall by ordinance prescribe; he shall make a full report annually on the first day of April to the council of all moneys received and disbursed by him, and he shall, whenever required, lay before the council for examination and audit all books, papers and vouchers appertaining to his office.

Shall furnish monthly statement.

Make annual report.

29. *And be it enacted*, That the city treasurer shall hold office for two years; he shall receive, safely keep and disburse, under the direction of the council, all moneys belonging to or under the control of the city; he shall keep an accurate account of all receipts and payments in such manner as the council shall direct; no money shall be paid out of the treasury except on warrant signed by the mayor and attested by the city clerk, excepting payments of state and county taxes, which the said treasurer is hereby required to make annually out of the first moneys received by him from the city collector and moneys paid into the city treasury for the redemption of property sold for taxes and assessments; and no warrant shall be drawn on the treasurer except in pursuance of an order or resolution of the council passed at a stated meeting and entered in their minutes; all such warrants shall be numbered and made payable to the order of the person entitled to receive the same, and shall specify for what purpose the amount therein mentioned is directed to be paid and the appropriation against which it is to be charged; it shall be the duty of the clerk before he delivers any warrant so drawn to enter into the margin of the book to be called "warrant book," opposite to said warrant, the number, date, amount of the same, the appropriation to which it is charged, the date of the resolution or order authorizing it to be drawn, the purpose for which or-

City treasurer—term and duties.

dered, and the name of the person or persons to whose order it is made payable, and to take his or their receipt in said book at the end of said marginal entry for said warrant; *provided, however*, that nothing in this section contained shall apply to the disbursement and payment of moneys raised or received for public school purposes.

Proviso.

Treasurer shall receive and disburse school moneys.

30. *And be it enacted*, That the city treasurer shall receive, safely keep and disburse all moneys raised and received for public school purposes; he shall keep separate accounts thereof and pay the same out only on warrant signed by the chairman and clerk of the board of education, and no warrant for any such purpose shall be drawn on the treasurer except in pursuance of an order or resolution passed at a stated meeting and entered in their minutes, and the provisions of the last preceding section of this act relative to warrants on the treasurer by the city council shall apply to the warrants of the board of education; and the said treasurer shall do and perform all acts and duties enjoined upon township collectors by the school laws of the state.

Treasurer shall furnish monthly statement and make annual report.

31. *And be it enacted*, That the treasurer, at least once every month, and oftener if required, shall furnish the council with a statement of all moneys received and expended by him (including school moneys) since his last report, and he shall annually, on the first day of April, make to the council a full report of all his receipts and expenditures, and he shall, whenever required, lay before the council, for examination and audit, all books, papers and vouchers appertaining to his office.

City recorder—term and duties.

32. *And be it enacted*, That the recorder shall hold office for three years, and shall have jurisdiction and is hereby empowered, on oath, affirmation or affidavit made according to law, that any person or persons has or have been guilty of a violation of any of the ordinances of the city, to issue process either in the nature of a summons or warrant as to him may seem most advisable, against the person or persons so violating such ordinance, which process shall, when of the nature of a warrant, be returnable forthwith, and when in the nature of summons be returnable in not less than three or

more than five days; that such process shall state what ordinance the defendant or defendants named therein has or have violated, and in what manner the same has been violated, and then on return of such process, or at the time to which the recorder shall have adjourned the same, the said recorder shall proceed to hear testimony and to determine and give judgment in the matter without the filing of any pleadings, and the recorder shall, if judgment be rendered for the plaintiffs, forthwith issue execution against the goods and chattels and against the body of the defendant or defendants; and the said recorder shall be further empowered to inflict fines not exceeding the sum of twenty dollars on such persons as shall be convicted before him of vagrancy, disorderly conduct, breach of the peace, or, in his discretion, to order such persons to be committed to the county jail or workhouse for any period not exceeding thirty days; *provided*, that in all cases when the fine or penalty shall exceed ten dollars or where the punishment shall be imprisonment, there may be a trial by jury, to be conducted as in cases now triable in courts for the trial of small causes; the recorder shall also have power to cause any person or persons who shall be found guilty of a violation of the ordinances of the city, and who may refuse or neglect to pay any penalty imposed, to be committed to the county jail for any period not exceeding thirty days; and the recorder shall be present at the station-house or other place provided for him by the city council, at such hours every day as the council shall designate; and the recorder shall have the same powers in criminal matters within the territorial limits of the city as are possessed and exercised by justices of the peace of this state. Proviso.

33. *And be it enacted*, That the mayor and any member of the council during his term of office, and any policeman of said city, shall have the power, on witnessing any breach of the peace or any violation of a city ordinance, to forthwith arrest and take into custody, without warrant, the offender or offenders, and to take said offender or offenders before the recorder of the city for a hearing. Mayor, councilmen and policemen may on view arrest without warrant.

34. *And be it enacted*, That every conviction for vio-

Convictions may be reviewed on appeal to common pleas.

lating a city ordinance had before the recorder, either with or without a jury trial, may be reviewed by appeal to the court of common pleas of the county in the same manner and upon the same terms as appeals are or may be taken from courts for the trial of small causes, and in case the judgment appealed from shall be imprisonment the said recorder or any judge of the court of common pleas may admit to bail the party appealing during the pendency of his appeal; but no judgment for the violation of any ordinance shall be reversed for any imperfection, omission, defect in or lack of form, nor for any error except such as shall or may have prejudiced the defendant in maintaining his defense upon the merits.

Policemen may serve process.

35. *And be it enacted*, That the officers empowered to serve process issued by the recorder shall be, besides the constables elected or appointed within the city, the policemen of the city, and that said process shall be returned in the same manner, as far as circumstances may permit, as warrants in courts for the trial of small causes are returned, and the defendant or defendants named therein shall, if the recorder sees fit to adjourn the hearing of the charge made and so orders, enter into recognizance, as near as may be, in the manner directed in the courts for the trial of small causes, in the amount of the penalty named in the process or in proceedings brought for the recovery of the same, with such surety as may be approved by the recorder, unto the city, by its corporate name, for his or their appearance on the day to which said hearing may be adjourned, and in default of such appearance the said recognizance may be prosecuted and collected in the same manner as the same might have been if the said recognizance had been taken in a proceeding in courts for the trial of small causes.

Recorder may adjourn hearing and hold defendants to bail

Term, etc., of assessor and overseer of poor.

36. *And be it enacted*, That the assessor, overseer of the poor and health inspector shall each hold office for the term of two years, and the said assessor, overseer and health inspector shall perform all the duties required of such officers by law in the several townships of this state and the ordinances of the city.

City attorney.

37. *And be it enacted*, That the city attorney shall

be appointed by the council; he shall hold his office for the term of one year, and shall perform such duties as the council shall by ordinance prescribe.

City surveyors.

38. *And be it enacted*, That the city surveyors shall be designated from time to time by the council, and they shall give bonds in such penalty and upon such condition, and shall receive such compensation for the service they may render, as the council shall by ordinance prescribe.

Pound keepers.

39. *And be it enacted*, That the poundkeepers shall be appointed by the council, and shall hold their office for such term, and shall perform such duties in addition to the duties imposed upon them by any law of this state, as the council may by ordinance prescribe.

Commissioners of appeals.

40. *And be it enacted*, That the members of the board of commissioners of appeals shall be elected and shall hold office for three years; they shall perform such duties as are now or hereafter may be by law enjoined upon commissioners of appeals in cases of taxation.

Chief of fire department.

41. *And be it enacted*, That the chief of the fire department shall be elected annually on the first Monday in May in each year, and shall hold his office for one year from the first day of June next ensuing his election; the active firemen of the department shall alone be qualified to vote at such election; the election shall be held and conducted under such rules and regulations as the council shall by ordinance prescribe; *provided*, *however*, that this section shall not apply to any city having a population of ten thousand inhabitants.

Proviso.

Chief of police—liabilities, powers, and duties of.

42. *And be it enacted*, That the chief of police shall hold office for the term of three years, and shall be subject to removal for cause by a two-thirds vote of the city council; he shall be the executive head of the police department, and shall be responsible for its efficiency; all regular police officers shall first be nominated by him, and the city council shall then have power to appoint them; he shall have power to remove any officer so appointed for neglect of duty or conduct unbecoming an officer of the peace, and the cause for removal shall be stated in writing to the city council; he shall have power, with the written assent of the

mayor, to appoint special officers to serve, at not more than three dollars a day each, upon special occasions when the regular force may be deemed inadequate to insure safety to public health and good order.

Board of excise commissioners—how composed.

43. *And be it enacted*, That the board of excise commissioners shall consist of five members, three of whom shall be elected at the first city election held under this act; one member of the board shall be elected for one year, one member for two years and one member for three years; but no more than one member shall come from the same ward; and the voters at such election shall designate on their ballots the terms for which the several candidates for said offices shall be elected; thereafter annually one member of the board shall be chosen for three years; the three members thus chosen, together with the mayor, who shall be the presiding officer of said board, and the chief of police shall constitute the board; they shall have full power to regulate, license, or prohibit the sale or transfer of spirituous, vinous, malt or other strong or intoxicating liquors; *provided, however*, that no such license shall be granted to any person who is not a citizen of the United States; they shall have power to prescribe the terms and conditions upon which licenses for such purposes shall be granted, and to provide for the revoking and annulling of licenses for violation of such conditions; *provided, however*, that all such conditions shall be printed on the license; *and provided further*, that no license shall be granted unless the applicant shall first pay to the city clerk such license fee as may be required by any general law of this state, and if there be no general law, such fee, not less than fifty dollars, as may be fixed by the board; and if the application is rejected the deposit shall be returned; the mayor shall sign all licenses directed to be issued by the board; the board shall, upon the request of the council, render a statement of all licensed and unlicensed saloons, inns, taverns or restaurants existing within the city, together with a record of all the proceedings of the board.

Powers and duties of.

Proviso.

Proviso.

Proviso.

Street commissioner.

44. *And be it enacted*, That the city council shall have power to authorize by ordinance that there shall be appointed by the city council, with the mayor's ap-

proval, a street commissioner, who shall hold office for the term of three years, and shall be subject to removal for cause upon a two-thirds vote of the council, have supervision over all the streets, avenues, roads, sidewalks, public lanes and alleys, bridges, culverts and all public highways of the municipality and the repairs thereto, and perform such duties as may be required of him by the city ordinances relating thereto.

City physician.

45. *And be it enacted*, That there shall be appointed by the city council, with the mayor's approval, in the month of May in each year, a suitable and competent physician, resident of the city, to be city physician, who, when he shall have taken and subscribed the oath of office before the mayor, recorder or other officer entitled to administer such, shall be the medical adviser of the board of health and city council, and shall perform such duties as may be required of him by ordinances of the city council or the board of health.

Statement of receipts and expenditures shall be printed and distributed.

46. *And be it enacted*, That the council shall, on the first day of April in each year, cause to be printed a full statement of all receipts and expenditures of every description for the year preceding, with all such further information as may be necessary for a full understanding of the financial concerns of the city, and that it shall be the duty of the city clerk to distribute such printed statements among the people of the city or to furnish a copy of such statement to every citizen applying for the same.

Contracts in which councilmen are interested or are surety shall be void.

47. *And be it enacted*, That all contracts in which any councilman shall be interested, either directly or indirectly, or in which any councilman may be surety for the faithful performance thereof, shall be null and void, and no member of the council shall become security for any public officer elected or appointed under this act.

Proceedings to pass ordinances.

48. *And be it enacted*, That no ordinance or by-law shall be passed by the city council unless the same shall have been introduced at a previous, special or stated meeting, and shall be agreed to by a majority of the members of the council; and no ordinance shall take effect until five days after it shall have been published in one or more newspapers of the city, and if there be

Ordinances shall not take effect until advertised.

none, in at least one newspaper published in the county and circulating in the city; *provided, however*, that no ordinance for opening, paving or macadamizing any street, avenue or public place, or for the construction of any sewer shall be passed or adopted unless it shall receive the votes of two-thirds of the members of the council.

Proviso.

Council may pass, adopt, alter, etc., ordinances for certain purposes designated.

49. *And be it enacted*, That the council may, by the title, "the mayor and city council of ———, in the county of ———," pass, adopt, alter, modify and repeal ordinances to take effect within the city for the following purposes: to manage, regulate, protect and control the finances and property of the city; to make and adopt an assessment map or maps whereby to describe lands assessed for taxes or improvements; to ascertain and establish the boundaries of all streets, highways, public lanes and alleys in the city; to regulate, clean and keep in repair the streets, highways, lanes and alleys, and to prevent and remove all encroachments, obstructions and incumbrances in and upon all streets, highways, lanes and alleys, sewers, drains and water-courses; to prescribe the manner in which corporations or individuals shall exercise any privilege granted to them in the use of any street, highway or alley or in digging up any street, highway or alley for any purpose whatsoever; to direct and regulate the planting, rearing, trimming and preserving of ornamental shade trees in the streets, parks and public places, and to authorize or prohibit the removal or destruction of such shade trees; to name and number the streets, houses and lots in the city; to provide for and enforce the removal of snow and ice from the sidewalks and gutters of streets, by the owners of land fronting thereon, and to provide that in case of neglect or refusal of or by the owner of any lot of land fronting on a public street or highway to remove snow or ice from the sidewalks and gutters in front of his lands, that the council may cause the same to be done at the expense of such owner, and that the cost and expense thereof, with interest thereon, shall be added to and shall form part of the taxes next to be levied and assessed upon such lands, and shall be and remain a lien upon such

lands until paid; to regulate the use of streets, highways and public places by individuals, vehicles of every kind; to prevent and punish horse-racing and immoderate driving or riding in any street; to regulate and control the passage through the streets and public places of buildings and other large structures; to prevent animals of all kinds from running at large in the streets or public places, and for the impounding, sale or destruction of the same, and to regulate and prevent the driving of cattle or other animals in droves in or through any of the streets of the city; to prevent and prohibit any practice having a tendency to frighten animals or persons passing in the streets; to regulate or prohibit all public performances and exhibitions for money; to prevent and suppress vice and immorality; to restrain or punish tramps, vagrants, mendicants and street beggars; to preserve the public peace; to prevent and quell riots, disturbances and disorderly assemblages; to restrain and suppress disorderly and gaming-houses and houses of ill-fame; to establish and regulate one or more public pounds, and to provide for the sale of animals impounded, and to fix the fees to be paid persons impounding animals, and the redemption fees to be paid; to regulate and prevent and to provide for the destruction of dogs running at large; to regulate or prohibit swimming or bathing in the waters of or bounding the city; to remove or destroy buildings that are dangerous to life; to regulate or prohibit the carrying on of manufactures dangerous in causing or promoting fire; to regulate or prohibit the manufacture, sale, keeping, storage or use of fireworks, gunpowder, camphene, kerosene, burning fluid, nitro-glycerine, dynamite or other inflammable or explosive materials; to raze and demolish any building or erection when necessary to prevent the extension of a conflagration, and to provide for the ascertainment and payment of just damages and compensation to owners of property destroyed in such cases; to regulate or prohibit the use of firearms and the carrying of weapons of any kind; to provide fire engines and such buildings for the use thereof as may be necessary; to establish a board of health, define its powers and duties, and provide for the protection and

maintenance of the health of the city; to regulate the burial of the dead, prohibit interments within such limits as it may prescribe; to purchase land for public burial places, direct the keeping and return of bills of mortality, and to establish such regulations for carrying the dead through the streets as the health and good order of the city may require; to license and regulate cartmen, porters, hack, cab, omnibus, stage and truck owners and drivers, carriages and vehicles used for the transportation of passengers and merchandise, goods or articles of any kind, and to require the owners to mark vehicles in such manner as the council shall designate; and to license and regulate auctioneers, common criers, pawnbrokers, junk-shop keepers, sweeps and scavengers, and to prohibit unlicensed persons from acting in such capacities; to license and regulate peddlers, hawkers and hucksters, and to require the payment of a license fee of not exceeding ten dollars in all cases, except as herein otherwise provided; and no license granted for any of the aforesaid purposes by any other authority shall be valid, except license granted by the governor to hawkers and peddlers; to fix the penalty where the same is not fixed or provided for by this act for the violation of any ordinance by this act authorized to be passed, which penalty shall be a fine not exceeding fifty dollars, and in case of non-payment thereof, imprisonment in the county jail not exceeding thirty days; to provide for, establish, regulate and control a fire department and to establish rules for the government thereof (whose members shall be exempt from military duty in time of peace, and from serving as jurors in courts for the trial of small causes), and to provide engines and other fire apparatus, and to designate the manner of appointing and removing officers and members of the fire department and to regulate their compensation; to provide for the government of the fire department and the care and repair of the engines and other fire apparatus, and for the purchasing of necessary supplies by the city council or a committee thereof or by a board of fire commissioners consisting of five members, to be appointed by the council, who shall hold office for one year, and who shall receive no salary; and to further

provide for the payment of the lawful debts contracted or incurred by such commissioners.

May provide for purchase of land and the election of certain public buildings, etc.

50. *And be it enacted*, That the city council may by ordinance submit to the voters of the city, at an annual or special election, a proposal or proposals to purchase land and to erect thereon a city hall, jail, hospital, public lighting, or other municipal building or buildings; or to purchase land for public park purposes; or for the purchase of any sewer, water or gas, or other lighting system existing, or that may hereafter exist within the city limits; and if at such election a majority of the voters shall vote in favor thereof, the city council shall be empowered to make such purchase, and if need be issue bonds of the city in payment thereof, as may be provided by ordinance.

May issue bonds.

Authorize and regulate use of streets for railways.

51. *And be it enacted*, That the council shall have power by ordinance to regulate the use of the streets of the city by electric or other street railway companies; to require such companies to lay and confine their tracks according to such grades of the street as may from time to time be established by the council; to keep that portion of the street lying between the rails paved and in good repair, also to keep the street to the extent of eighteen inches beyond the rails in good repair and on a level with the rails; to keep their tracks free from snow and ice and compel the removal of the same from the streets; and to provide a penalty not exceeding fifty dollars for every violation of such ordinance.

And impose penalties for violation of ordinance.

May regulate street dividing city from adjoining municipality.

52. *And be it enacted*, That in case the boundary line between any city formed under this act and any other municipality shall be one of the extreme lines of a street or road, such street or road being wholly within such city, it shall be lawful for the council of such city to pass ordinances regulating the use of such street or road by the owners or occupants of property in such other municipality adjoining such street or road, and to provide penalties for the violation of such ordinance not exceeding ten dollars fine; and it shall be lawful for any constable or policeman of such city to execute any process issued by the recorder for the violation of any such ordinance within the territorial limits of such other adjoining municipality.

City constables and policemen may execute process in adjoining municipality.

May establish, regulate, etc., a day and night police.

53. *And be it enacted*, That the council shall have power by ordinance to provide for, establish, regulate and control a day and night police, and to regulate and define the manner of their appointment and removal, their duties and compensation; *provided*, that such police force (excluding officers) shall not exceed more than one policeman to every five hundred inhabitants; *and provided further*, that no policeman or police officer shall be removed except for neglect of duty, misbehavior, incompetency or inability to serve.

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Power to pass ordinances and by-laws.

54. *And be it enacted*, That the council shall have full power to enact and pass such and so many other ordinances or by-laws for the peace, good government, order, welfare and convenience of the city as they may deem necessary, proper and expedient, not repugnant to this act or to the constitution of this state or of the United States, and to fix a penalty for the violation thereof not exceeding a fine of fifty dollars or imprisonment in the city or county jail not exceeding ten days.

May raise money for certain purposes.

55. *And be it enacted*, That the council shall have power to pass ordinances appropriating and providing for raising by taxation moneys for the following purposes:

I. For lighting the streets of the city;

II. For the support of the police department;

III. For the maintenance of the fire department;

IV. For regulating, cleaning and keeping in repair streets, highways and sidewalks;

V. For additions or repairs to public buildings;

VI. For the relief of the poor and sick;

VII. For water for the extinguishment of fires;

VIII. For the payment of interest upon the debt of the city and such part of the principal as shall from time to time become due and payable;

IX. For any sinking fund required or deemed advisable to be raised;

X. For the general and incidental expenses of the city, including the printing and publication of minutes of council, ordinances and such other matters required by law to be published;

XI. For the support of public schools;

XII. For the protection and maintenance of the health of the city;

XIII. For the support of an emergency hospital for contagious diseases;

XIV. For drainage and the repair of public drainage systems; also for sewerage purposes in cities owning and operating public sewerage systems;

XV. To provide funds to meet any note, bond or other obligation of the city maturing in any year and not otherwise provided for by law or the ordinances of the city;

XVI. For regulating, maintaining and protecting public grounds and parks; and no appropriation shall be made or ordered for any other purpose, except by a majority of the voters of the city voting at an annual city election.

May contract for street lighting.

56. *And be it enacted*, That the council shall have power to provide by contract for the lighting of the streets, avenues and public places of the city, in such places as they in their judgment may deem necessary.

And for a water supply.

57. *And be it enacted*, That the council shall have power to provide for a supply of pure and wholesome water to the inhabitants; and for extinguishing fires, by contract, either with private corporations or with adjoining municipalities owning or controlling water works; and the council shall have power to fix and determine the terms and conditions upon which private companies may lay their mains or pipes in the streets of the city.

May borrow money.

58. *And be it enacted*, That the council shall have power to borrow money temporarily in the name of the city in anticipation of appropriated revenues not exceeding in amount one-half of such anticipated revenues.

Call special elections.

59. *And be it enacted*, That the council shall have power at any time to direct a special election to fill any vacancy that may occur in their own body.

And appoint commissioners of assessments.

60. *And be it enacted*, That the city council shall appoint three discreet persons, residents and freeholders of the city, to be commissioners of assessment, and who shall hold their offices for three years; the said commissioners shall make all assessments for improvements of every

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kind under this act; *provided*, that if any of the said commissioners shall be interested in the matter of any such assessments, the council shall appoint some discreet and impartial freeholder or freeholders, resident in said city, to act in regard to such assessment in lieu of the commissioner or commissioners interested therein as aforesaid; and every report of assessments made by commissioners of assessment shall be accompanied by the oath or affirmation of each commissioner making the same that he is not interested, directly or indirectly, in the matter of the assessment, and that he has performed his duties in relation thereto honestly, faithfully and impartially, to the best of his ability, skill and understanding, which oath or affirmation the clerk of said city is hereby authorized to administer; and the first commissioners appointed under this act shall determine among themselves by lot which of them shall serve for one, two and three years respectively, and thereafter annually one commissioner shall be appointed to serve for the full term of three years.

61. *And be it enacted*, That the council shall have power and they are hereby authorized by ordinance—

May lay out and extend streets.

To lay out, open, straighten, widen and extend any street, avenue or highway, or any part or section thereof, and to take and appropriate for such purpose any necessary lands and real estate upon making compensation to the owners thereof as hereinafter provided;

And improve and repair them.

To provide for grading and altering the grade of streets and avenues in the city, and filling, macadamizing, guttering, curbing, bridging, planking, graveling, paving and repairing the same;

And construct sewers and drains.

To make and adopt a general plan of sewerage and drainage for the city or any section thereof, conformably to which all public and private sewers, drains, receiving basins and all other appurtenances of sewerage and drainage shall be made;

To provide for the construction, maintenance and extension of a proper sewerage system for the city, by contract, either with private corporations or with adjoining municipalities owning and operating a sewerage system; and the council shall have power to fix and determine the terms and conditions upon which private

sewerage companies may lay their mains and pipes in the streets of the city.

May levy taxes for sewerage purposes.

62. *And be it enacted*, That in any city incorporated under this act having a sewerage system which is owned and operated by the city in its corporate capacity, the city council shall have power by ordinance to levy annually a special tax for sewerage purposes, and to appropriate the money derived therefrom for the construction, extension and repair of the public sewerage system; to provide for taking land and real estate for building the same and for acquiring an outlet for sewers over and through lands in adjoining muicipalities; *provided*, that the consent of such adjoining municipality and of such other municipality (if any) as may in any manner be affected by such outlet shall be to that end first obtained; *provided*, *however*, that no ordinance for any of such purposes shall be passed except in the manner herein stated and unless it shall receive the votes of two-thirds of the members of the city council.

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How streets shall be laid out, extended, etc.

63. *And be it enacted*, That streets or sections of streets shall be laid out, opened, straightened, extended, widened or otherwise changed as to their boundaries, in the following manner and not otherwise: a petition, in writing, signed by the owners of one-sixth of the property fronting on the improvement desired, shall be presented to the council, setting forth accurately the improvement desired; if the council shall favor the petition the same shall by referred to the commissioners of assessment and a city surveyor not interested in such improvement, who shall thereupon make a map of such improvement, showing the real estate to be taken therefor, and all the property which in the judgment of said commissioners, will be specially benefited thereby, designating each lot and parcel on said map by a letter or number; said commissioners shall also ascertain, so far as practicable, the name of the owners of said real estate to be taken and property to be benefited, and the interest of each of the owners of real estate to be taken, and when such names or estates are are not known they shall so report; they shall also appraise the value of the interest of each known owner

Benefits and damages shall be appraised.

of real estate to be taken, and the damage to be done to such owner by taking the same; and where the estates in any plot of land are unknown, they shall appraise the value of or the damage done to the fee simple; said commissioners shall also estimate all other expenses likely, in their judgment, to attend the completion of the improvement; said commissioners shall also estimate the amount likely to be realized from the sale of any buildings, or parts of buildings, required to be taken on account of said improvement, and shall so determine the probable net cost of making the improvement; this probable net cost they shall then assess upon the lands to be specially benefitted, in proportion to the benefit to be received; thereupon they shall, under their hands, make a report of the facts ascertained and of the appraisements, estimates, determinations and assessments made by them concerning said improvement, and shall file such report and their map with the clerk of the city; thereupon the said clerk shall cause a notice of the filing of said map and report to be printed in one or more newspapers of the city, or, if there be none, in a newspaper published in the county and circulating in the city, for the period of two weeks, which notice shall contain a general description of the improvement intended, of the land to be taken, and of the land to be assessed therefor, and shall state the time and place when and where the council will meet to hear and consider any objections to said report or to the improvement, which may be presented in writing; said clerk shall also, within said period, cause notices to the same effect to be posted at points not over three hundred feet apart along the whole line of said improvement; the time appointed for hearing such objections being not less than ten days after the expiration of said period of two weeks, and shall also, within the said period, serve a copy of such notice upon resident owners of real estate affected thereby; but the omission of the clerk to serve such notice shall not invalidate any of said proceedings; and all objections at such time and place, presented in writing, the council shall consider and adjudicate upon, and the awards or assessments made in said report may be corrected accord-

Expenses, etc., shall be estimated.

Cost shall be assessed upon lands benefitted.

Report shall be advertised.

Meeting shall be held to consider objections.

Time for holding meeting shall be advertised and notice served upon owners.

ingly; a copy of which corrections, signed by the chairman of the council, shall be filed with the said clerk within twenty days after the expiration of said period of two weeks; if the said council shall then determine to make said improvement, notwithstanding any objections to the same, the said council shall confirm said awards, with the corrections, if any, and pass an ordinance ordering said improvement to be made and completed in such manner as said council may direct, under the supervision of said commissioners of assessments; *provided*, the said council shall not proceed to make any such improvement if the owners of the property subject to more than one-half of the assessment for the improvement shall remonstrate against the same being made; the said council shall also pass a resolution directing the several sums awarded to be paid to the persons to whom the awards are made for real estate taken and damages sustained in making said improvement, and upon the passage of such resolution the fee simple of said real estate to be taken shall be vested in the city; *provided*, that where the commissioners shall have reported the name or estates of the owners of any plot as unknown, the said resolution shall direct the sum of the award on account of such plot to be paid to the owners thereof, when and as their interest may appear, and any such owner or person interested in said land may, by bill in chancery, according to the practice of that court, have the said sum distributed or in whole or in part paid over to him, as law and justice may require; after the completion of said improvement the said commissioners shall ascertain and determine the actual net cost thereof, and shall assess, as hereinafter provided, such actual net cost upon the lands specially benefited in proportion to the benefit received.

Corrected report shall be filed.

Council shall confirm awards.

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64. *And be it enacted*, That whenever, by the report and map of the said commissioners, corrected as aforesaid, it shall appear that an award has been made to any person for property taken or damages sustained, and that such person is also assessed for benefits received on account of the same improvement, then if the assessment equal or exceed the award, no payment shall be made on account of such award; and if the award

How benefits and damages shall be adjusted.

exceed the assessment, only so much of the award as is in excess shall be paid, and the resolution of the council ordering the awards to be paid shall be framed accordingly; and when the amount to be assessed shall be finally determined, such amount shall be set off against the amount of the award unpaid; and if the amount of the award unpaid be in excess, the assessment shall be canceled, and such excess only shall be paid to the person to whom the award is made; and if the amount of the assessment be in excess, the award unpaid shall be canceled, and such excess only shall be a lien upon the property assessed; the rest of the award or assessment, as the case may be, being also canceled.

Proceedings in cases of dissatisfaction.

65. *And be it enacted*, That whenever any person who shall have presented objections as aforesaid, to an award, shall be dissatisfied with the determination of the council, thereupon such person may commence an action on contract against the said city in the circuit court of the county or in the supreme court of this state (provided that the trial shall be had in the county in which such city is located), which action shall proceed in all things as if such city had, upon taking the real estate required for the said improvement, agreed in writing to pay therefor the value thereof and the damage done by taking the same; and if in said action the plaintiff shall recover more than the amount awarded as aforesaid, he shall recover his taxable costs according to law; and if he shall not recover more than the amount awarded, then the defendant shall recover his taxable costs against the plaintiff and shall be entitled to have them deducted from the amount recovered by the plaintiff, and execution shall issue only for the balance, the assessment (if any) against the plaintiff being also deducted from the amount of the judgment;

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provided, *always*, that no such action shall be brought by any person who may have received payment of the amount awarded, nor unless notice that such action will be brought be filed with the clerk of said council within sixty days after the confirmation of the award, nor unless such action be commenced within six months after such confirmation;

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provided, *further*, that the judge of the said circuit court may, upon petition, for good cause

shown, and upon such terms as he may direct, dispense with either or all of the provisions in the last proviso contained.

How selections of streets may be improved.

66. *And be it enacted*, That any street or section of a street may be graded, flagged, macadamized, paved, curbed, guttered or otherwise improved, as hereinbefore provided, in the following manner, namely, on the petition in writing to the council by the owners of one-sixth of the lands fronting on the street proposed to be improved, the council shall, by resolution, direct the city clerk to advertise such application or petition and the notice hereinafter provided for, for at least two weeks, one in each week successively, in one or more newspapers of the city, or if there be none, in one or more newspapers published in the county and circulating in the city, and to post copies of the said petition and notice in five public places in the city, designated by the council, at least ten days prior to the time fixed for the hearing of objections to such improvement; the clerk shall also publish and post as aforesaid, with the petition, a notice signed by him, stating that objections in writing to said proposed improvement shall be filed with him, and designating the time and place when and where the city council will meet to consider such objections, which time shall not be less than ten days after the date of the first publication of such petition and notice as aforesaid; and the said clerk shall also serve like notice on the owners of property residing along the street or section of street so proposed to be improved, at least five days before the time designated in said notice; *provided*, *however*, that no assessment shall be set aside or affected by reason of the failure of said clerk to serve such notice; and at or before the time named in such notice the said clerk shall file in his office affidavits showing that such petition and notice have been published and posted as herein required; at the time named in such notice the council shall proceed to consider such objections as shall have been presented, and if it appear that the owners of a majority of the land fronting on such proposed improvement have objected thereto, such improvement shall not be made, and all costs and expenses incurred in such proceedings

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shall be paid by the petitioners, to secure which the council shall in all cases require a deposit of twenty dollars before receiving any petition; and in case the owners of a majority of the lands fronting on the proposed improvements have not objected thereto, the council may, in its discretion, determine not to make such improvement, in which case the deposit made by the petitioner or petitioners shall be returned to him or them; and the defeat of any ordinance for such improvements, introduced before the council, shall be conclusive as to the determination of the council not to make such improvement; at any time after the time named in said notice of objections, the council may proceed to pass an ordinance for such improvement, and such ordinance shall be valid if it describes in general language the improvement required to be made and done, and it shall not be necessary to state therein any other matter or thing connected with said improvement; the city clerk shall publish and post such ordinance in the same manner and for the same time he is required to publish and post the petition for the improvement described therein; and he shall file in his office an affidavit showing that such ordinance has been duly published and posted; at any time after the passage of such ordinance the council may require the clerk to advertise for proposals for doing the work and furnishing the materials necessary for such improvement, in one or more newspapers of the city and in such other newspapers as shall be designated by the council, which proposals shall be presented in such form and manner and under such regulations as the council shall prescribe; upon the coming in of such proposals the council may enter into contract with the lowest responsible bidders on the terms of their proposals; *provided, however*, that the council may reject all bids if they deem it for the interest of the city so to do, in which case they shall again advertise for proposals and shall proceed in all things as if no proposals had been offered; and the council shall require the person or persons so entering into contract with the city to give bonds with ample freehold security for the due performance thereof.

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Pending and unfurnished improvements shall be completed.

67. *And be it enacted*, That all proceedings for the opening, widening, extending, grading, regulating and otherwise improving streets and avenues which may be pending and remain unfinished and incomplete at the time of incorporation under or adoption of this act by any town, borough, township or part thereof, shall be proceeded with and completed under the laws in force at the time such proceedings were commenced, and as if such town, borough, township or part thereof had not become incorporated under this act.

Proceedings for extending sewer service.

68. *And be it enacted*, That in cities having a sewerage system which is owned and operated by the city in its corporate capacity, sewers may be built and constructed in any of the streets of the city under the control of the city authorities on the petition of owners of one-sixth of the land adjoining the proposed route of the sewer; and the proceedings, after receiving such petition, shall be in all respects the same as are hereinbefore set forth for flagging and grading of streets, and all the provisions of this act relating to flagging and grading of streets shall be applicable to proceedings for the construction of sewers, except as modified in and by this section.

Inspectors may be appointed.

69. *And be it enacted*, That the council may appoint one or more inspectors over the work and materials on any street or sewer or sidewalk improvement, and may fix the compensation; the amount of such compensation shall be included in and form part of the cost of the improvement.

Advertisement shall be made before making final payments.

70. *And be it enacted*, That before the council accept any work on any sewer or street improvement, or on any final payment be made to the contractor, the council shall publish as aforesaid a notice stating when the council shall meet to receive and consider objections in writing, the work and materials done and used in such improvement, and if any such objections shall appear to be well founded, the council shall take such action thereon as in their judgment the interests of the city shall require.

Lands may be condemned for sewer construction.

71. *And be it enacted*, That where it shall be necessary in the construction of any public sewer to take or use private property for that purpose, the council shall

have power to provide, in the ordinance for the building or constructing of any such sewer, for the taking of such private property as is necessary; for that purpose the damages and awards to be made for lands so taken shall be determined and made by the commissioners of assessment, who shall report the same to the council, and thereafter the proceedings shall be the same in all respects as are hereinbefore provided for opening of streets.

Governing body may contract with adjoining municipality for sewer outlet.

72. *And be it enacted*, That where any city shall be so situated that it shall have no immediate outlet for sewerage, except through adjoining municipalities or by connection with sewers existing or contemplated to be built in adjoining municipalities, it shall be lawful for the city council of the city and the governing body of such adjoining municipality to enter into contract for the payment of the sum in gross by such city for the right to connect with any sewer or sewers in such adjoining municipality, and the amount of such contract price shall be included in the costs of making the sewer in and through such city which it is proposed so to connect with the sewer in the adjoining municipality, and shall be assessed in the manner hereinafter directed as if such contract price were portion of the cost of wholly constructing the sewer within the territorial limits of the city.

Council may issue improvement certificates.

73. *And be it enacted*, That the council shall have power to issue improvement certificates, payable within one year or less with interest to the amount of eighty per centum of the work done on any street, sewer or other improvement when certified as correct by the engineer in charge of the work; and when the contract is fully completed and the work is accepted, the city council may issue a certificate for an additional fifteen per centum of said work done, and in not less than three nor more than six months after the date of the acceptance of the work may issue a final certificate for the balance due, unless some errors or defects in the work shall have appeared, in which case the certificate shall be withheld until the defect or errors are rectified to the satisfaction of the council.

74. *And be it enacted*, That the cost and expense of

widening, opening or extending, grading, curbing, flagging or macadamizing any street, or constructing or extending any sewer, and after the completion thereof the whole cost of any such street or sewer or other improvement shall be ascertained and determined by the commissioners of assessment, and such cost and expense shall be assessed upon the lands and real estate especially benefitted by the improvement in proportion to the benefit received; the commissioners shall file their report with the city clerk, which shall be accompanied by a map showing what lots and parcels of land are benefitted by the improvement, the amount assessed as benefits upon each lot or parcel of land, and the names of the owners of the several lots and parcels of land assessed, so far as the commissioners can ascertain the same; but no assessment shall be deemed defective by reason of any mistake in the names of the owners of lands assessed, or omitting the said names or any of them; the clerk shall publish and post notices in the same way and manner hereinbefore prescribed for publishing and posting the petition for the improvement and its accompanying notice, stating that the map and report of the commissioners have been filed in his office, and that the council will consider any objections to such report, map and assessment presented in writing on or before a day named in such notice to be fixed by the city council, which day shall be at least ten days after the first publication of such notices; after considering such report, map and assessment, and such objections as may have been presented against the same, the said council may confirm the said report, map and assessment, or if deemed necessary may return the same to the commissioners for revision and correction, who shall return the same corrected and revised without unnecessary delay; and thereafter the council may, without further notice, confirm the said report, assessment and map.

Cost of improving streets shall be assessed upon lands benefitted.

Clerk shall publish and post notices.

Council may confirm or reject report.

75. *And be it enacted*, That no certiorari, injunction or other writ of process shall be allowed or granted to set aside any ordinance for any improvement after the contract therefor shall have been awarded by the council of the city, and no certiorari, injunction or other writ or

When process to set aside ordinance for improvements shall not issue.

process shall be allowed or granted to set aside any assessment made for any sewer or street improvement of any kind after thirty days shall have elapsed from the date of the confirmation of such assessment by the council of such city.

Conditions for issuing bonds.

76. *And be it enacted*, That the city shall not issue any bond or bonds for any purpose whatever unless the proposal for the same shall first be recommended by the mayor to the city council, then be approved by a majority vote of the said council, and then submitted to the voters of the city at an annual or special election, and a majority of the votes cast at such election shall have voted in favor thereof; *and provided, further*, that it shall not be lawful for the city to issue its corporate bond or bonds for any sum in the aggregate exceeding six per centum of the taxable value of the property rated for assessment; *provided, however*, that the provisions of this section shall not apply to any city incorporated under this act having a population exceeding twelve thousand inhabitants, and all cities to which this act shall apply now or hereafter having twelve thousand or more inhabitants, shall have the like power and authority as to the issuance of bonds, for any purposes, as that conferred upon cities of the second class in this state by any general law, now or hereafter applicable to such cities, the same to be issued in like manner as the same may be issued by such cities or in the manner and form provided for the issuance of bonds or other obligations, or authorizing the issuance of the same, under the provisions of this act.

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Character and conditions of bonds.

77. *And be it enacted*, That whenever the mayor and city council of any city incorporated under this act are authorized by the vote of the people to issue any bonds of the city, said bond or bonds shall bear the name of the improvement or purpose for which issued; said bond or bonds may be either registered or coupon, or both, as may be determined by the city council; they shall be signed by the mayor and city clerk, with the corporate seal affixed and countersigned by the treasurer; they shall be made payable in not less than five years or more than thirty years from the date thereof respectively, and shall be of such denominations and

bear such interest at not more than five per centum per annum as may be determined by the city council; the interest shall be payable semi-annually, and the bonds may be disposed of at public or private sale under such terms and conditions as the council may direct, at not less than par; and all moneys derived from the sale of the same shall be used solely for the purposes for which the same were issued; further, that the interest on said bond or bonds shall be raised each year by taxation, together with not less than three and one-half per centum of the principal, as may be determined by the city council; said portion of the principal to constitute a sinking fund for the payment of the principal.

Interest and principal shall be raised by taxation.

78. *And be it enacted*, That the city council shall prescribe by resolution or ordinance the manner of payment of all interest that may fall due on any city indebtedness, whether the same be interest on bonds, registered or coupon, or upon any other class or character of indebtedness.

Council shall provide mode of paying interest.

79. *And be it enacted*, That all moneys received for licenses, and all other moneys received and not specifically appropriated, shall be paid into the incidental fund.

License fees and other unappropriated receipts shall be paid to incidental fund.

80. *And be it enacted*, That all taxes and assessments in such city shall bear interest at the rate of seven per centum per annum from the time the same became due and payable.

Unpaid taxes and assessments shall bear interest.

81. *And be it enacted*, That all taxes and all assessments heretofore or hereafter levied, assessed or made upon any lands, tenements or real estate, situate in such city, shall be and remain a lien thereon until paid, notwithstanding any devise, descent, alienation, mortgage or other incumbrance thereof; and if the full amount of any such tax or assessment shall not be paid and satisfied within such time as shall be limited and appointed by the council for the payment thereof, it shall and may be lawful for the council to cause such lands, tenements or real estate to be sold at public auction for the shortest term for which any person will agree to take the same and pay such tax or assessment, or the balance due thereof remaining unpaid, with the interest thereon, and all costs, charges and expenses, and to execute

Taxes and assessments shall be a first lien.

Real estate may be sold for taxes and assessments.

under the common seal of said city a declaration of such sale to be signed by the chairman of the council and the city clerk, and to deliver the same to the purchaser, and such purchaser, his executors, administrators or assigns, shall by virtue thereof, lawfully hold and enjoy the said lands, tenements or real estate for his and their own proper use against the owner or owners thereof, and all persons claiming under him or them, until said term shall be completed and ended; *provided*, the said council shall first have caused said sale to be advertised for at least two months in one or more newspapers published in the city, or, if none, then at least in one newspaper published in the county and circulating in such city, and also by advertisements put up in at least five public places in such city, which advertisement shall describe the said lands, tenements or real estate, and specify the amount of assessment or tax; and the recitals in such declaration of sale shall be evidence of the assessment, advertising and sale; *and provided, also*, that the purchaser shall not be entitled to possession of lands so purchased until the period herein limited for redemption shall have expired; *and provided, also*, that the lands, tenements or real estate so sold may be redeemed by the owner, mortgagee, occupant or person interested therein, or by any other persons, or in behalf of the owner, mortgagee or claimant of such lands, tenements or real estate, at any time within two years after the sale for either taxes or assessments, or for both, by paying to the treasurer of the city for the use of said purchaser, the purchase money, together with any other sum paid for tax or assessment, which the said purchaser may have paid, chargeable on such lands, tenements or real estate and which he is hereby authorized to do, with interest thereon at the rate of fifteen per centum per annum, in addition thereto; and the certificate of the treasurer of the city, stating the payments, and showing what lands, tenements or real estate such payment is intended to redeem, shall be evidence of such redemption; any mortgagee shall have power to redeem at any time until the expiration of the six months' notice therein specified; no mortgagee whose mortgage shall have been duly recorded before sale for

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any tax or assessment shall be affected by such sale until six months' notice, in writing, shall have been given to him, either personally, or if not to be found in said city, then such notice shall be deposited in the post-office in said city, directed to him at his last known place of residence (or at the post-office nearest thereto), but nothing therein contained shall be so constructed as to impair the lien created by such tax, assessment or sale; *and provided*, the same term of time for which any lands, tenements or real estate so sold as aforesaid shall not commence, nor shall said purchaser or those claiming under him have a right of possession to said lands, tenements or real estate until the two years limited for the redemption of the same shall have expired, and the said purchaser or those claiming under him shall, at the expiration of the time limited in such declaration of the sale, quit and surrender the said lands, tenements or real estate in as good state and condition as when he entered thereon, natural wear and accidents excepted; *provided*, *also*, that the said sale may be adjourned or postponed from time to time, or suspended, as the council or their committee, appointed to attend to said sale, may direct; *and provided*, that if at any sale of lands, tenements or real estate, for assessment or taxes, the whole or any part thereof shall remain unsold for want of purchasers, then it shall be lawful for the said council or said committee to adjourn sale not less than thirty days nor more than sixty days; twenty days' notice at least, by publication for two weeks and posting, shall be given as aforesaid of the said adjourned sale; and if, at such adjourned sale, there shall be no purchasers for said lands, tenements or real estate, or for any part thereof, then it shall be lawful for the treasurer of the said city to purchase the said lands, tenements or real estate for any term not exceeding one hundred years for the benefit of the city, subject to the same redemption as hereinbefore provided for; *provided*, *also*, that all moneys paid for the redemption of said lands, tenements or real estate as aforesaid, together with all taxes and assessments paid by any mortgagee or judgment creditor, shall be a lien upon said lands, tenements or real estate for the amount so

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paid, with interest at the rate of seven per centum per annum, and such lien shall have precedence over all other liens on said lands, tenements or real estate; *provided, further*, that a complete record of all taxes and assessments shall be kept in the city clerk's office, which record shall contain the time when such assessment and taxes were laid, the time when they were paid (and if the property has been sold therefor), the time of said sale and to whom sold, and if redeemed, when and by whom; it shall be the duty of the city clerk to enter in a book to be called "record of sales," a minute of all declarations of all sales, and to give certificates of search in relation to liens to any person or persons applying for the same, and to cancel such declarations when the property for which they were given shall be redeemed, on the certificate of the city treasurer of such redemption, and to file such certificate in the said clerk's office; it shall be the duty of the treasurer to make out two certificates of all property redeemed, one for the person redeeming and one to be filed in the said clerk's office; it shall be lawful for the council of said city to sell, assign and transfer any declaration of sale or any term in lands, purchased for the benefit of said city as aforesaid, or any portion of a term, for such price as said council may think proper.

Proviso.

Dogs shall be taxed by city.

82. *And be it enacted*, That the assessor shall levy a tax upon every person who owns or has the care of any dog, male or female, as follows; one dollar for each male dog, and three dollars for every female dog, in lieu of the state law, which tax shall be appropriated to the support of the school.

When tax assessment shall be completed and collector shall make demand for taxes.

83. *And be it enacted*, That the assessor shall complete his assessment and present his books to the council for examination by the third Monday in September annually, and the council shall complete their examination of the same by the first Monday in October; immediately hereafter the collector shall give notice as required by section ten of the tax act, and within thirty days thereafter the collector shall make the demand and give the notice as required by section eleven of the tax act, and the day fixed by him for the payment thereof shall not be later than December twentieth.

Property of school districts shall become property of corporation.

84. *And be it enacted*, That all the property, real and personal, of the several school districts existing within the limits of any city, borough, township or part thereof before its incorporation under the provisions of this act, shall, upon such incorporation, become and be the property of such incorporated city, and shall be held in its corporate name, and the several obligations, contracts and debts of said previously existing school district shall be assumed by and shall become and be the obligations, contracts and debts of said incorporated city, and that the board of education shall possess and exercise all the powers and perform all the duties by law vested in or imposed upon the trustees of school districts; they shall also organize annually by choosing a chairman and a clerk, and may establish schools and provide for their government and shall keep all school property in good repair; they shall define and fix the duties and compensation of their clerk, who shall also perform all duties enjoined by law on district clerks; *provided*, that no property shall be bought or building erected by the said board unless a majority of the voters of the city voting at an annual or special city election shall have voted an appropriation for that purpose; in case any appropriation for the purchase of land and the erection of a school building shall be voted by the electors of the city at any city election, the council shall issue bonds in the corporate name of the city for the amount of such appropriation in such denominations as they shall deem proper; such bonds shall be designated "school bonds," and be issued as herein provided; the proceeds of the sale of said bonds shall be held by the city treasurer, and shall be paid out by him on the warrants of the board of education; at any time after an appropriation is voted as aforesaid, the board of education may purchase the necessary land and enter into contract for the erection of a school building thereon, the title to which property shall be vested in the city by its corporate name.

Board of education shall exercise powers of school trustees.

Proviso.

Council shall issue bonds for school purposes.

Board of education may purchase land and contract for erection of school houses.

Board of assessment shall apportion cost of street improvements.

85. *And be it enacted*, That it shall be lawful for the city council to provide by ordinance that where any street in such city shall be improved by being guttered, curbed, macadamized or paved, in pursuance of the

authority conferred by this act, for the board of assessment to ascertain as in this act provided the entire cost of making the improvement, and for them to apportion such entire cost upon the lands and among the owners along the lines of the street or section improved, pro rata according to the number of lineal feet upon the lines of such street or section in the tracts or lot of the several owners respectively, having concern as to the actual benefit which such improvement will confer upon the several owners assessed, and providing for notice to be given to the owners, of such assessment, and of a time and place for hearing objections thereto, at which time the whole sum apportioned to any owner may be paid into the hands of the receiver of taxes; after said meeting it shall be lawful to provide in said ordinance to issue bonds of the said city made and executed as shall be provided in said ordinance, to an amount sufficient to pay the balance of the cost of such improvement; said bonds shall be payable in not exceeding ten years from their date, shall bear interest at not exceeding six per centum per annum, payable semi-annually, and shall not be sold for less than par; after such meeting it shall be the duty of such of the board of assessment to apportion the entire amount of the bonds so issued among the owners and upon the lands along the lines of the street or section improved, upon the same basis as the original apportionment of cost, excepting the land of the owner or owners who shall have paid as aforesaid; said apportionment shall be delivered to the city clerk or other officer provided in such ordinance, and shall be by him recorded and shall be competent evidence of such apportionment; it shall be the duty of such officer, and shall be stated in said ordinance, in each year, in the month of May, to ascertain the amount of interest which will fall due on said bonds on or before the time fixed by law for the payment of taxes in the next succeeding year; and to certify the same together with one-tenth of the entire principal of the bonds issued to the assessors of the city, whose duty it shall be to assess the same upon the basis of the apportionment of bonds, and upon the property embraced in said apportionment, in the name of the

Owners shall have notice of assessments and time and place for hearing objections.

Bonds may be issued to pay balance of cost of improvement.

Clerk shall record apportionment and certify amount of interest and principal falling due.

Assessors shall assess the same.

then owner thereof; the said assessment shall have the same force and effect, and be collected at the same time and in the same manner, as the other taxes collectible by law within said city for county and city purposes; but until the actual levy of such assessment, neither the liability to assessment, in this section created or created under and by virtue of any other provision of this act, nor the apportionment nor record thereof, shall be held or construed to create a subsisting incumbrance upon the title to the lands embraced in said apportionment; and all moneys collected under an ordinance adopted as herein provided, or under the authority conferred by this section, are hereby pledged to the payment of the principal and interest of the said bond and shall be used for no other purpose.

Assessments shall be collected as other taxes are.

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

Approved March 22, 1895.

CHAPTER CCLXIX.

An Act providing for the incorporation of cities.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the inhabitants of any district lying wholly in one county, having a population exceeding five thousand, not including any territory already within the limits of any incorporated city or town, may become a body corporate by the name and title of the city of (specifying the name to be borne by such city), whenever a majority of the legal voters resident in such district, voting at an election to be held as hereinafter provided, shall so decide.

Majority of legal voters shall decide.

2. *And be it enacted*, That whenever a petition in writing, setting forth the boundaries of a district which it is proposed to incorporate as aforesaid, and the name proposed therefor, signed by at least fifty freeholders resident in such district, shall be presented to the chair-

Proceedings for holding an election.

man of the township committee of the township in which such district, or the greater part thereof, is located, such chairman shall call a meeting of the township committee of such township, or a joint meeting of the township committees of the townships in which such district lies, if it lies in more than one township, at some convenient place within such district; notice of the time and place of such meeting shall be twice published in a newspaper circulating in such district; if at such meeting, or at any meeting to which the application may be adjourned, complaint is made by any landowner, in or near such district, that in laying out such district, territory has been unreasonably included or excluded, and such committee or committees are satisfied, after hearing such complaint, that the same is just, and that the boundaries ought to be changed, such committee or committees may make such changes in the boundaries as will, in their opinion, secure the best results from such incorporation to persons and property to be affected thereby; and shall thereupon order an election to be held within such district (as changed by them, if changed), to decide whether such district shall become incorporated as a city under the provisions of this act; such order shall prescribe the day and place or places of holding such election, the hours of such day, not less than ten, during which the polls shall be open, and any other regulations respecting such election as they may deem proper; if more than one voting place is designated, then such committee or committees shall divide such district as equally as may be into convenient voting districts for such election, and the election officers last appointed for the election district in which any voting place is, shall hold and conduct the election so ordered.

Notice of meeting shall be advertised.

Township committee may fix boundaries and order an election.

May fix time and place, etc.

Notice of election shall be advertised and posted.

3. *And be it enacted*, That notice of such election shall be given by advertisement, published in one or more newspapers published in or near such district, and circulating therein, at least once in each week for two weeks successively, and by printed notices posted in at least one hundred conspicuous places therein, at least fifteen days next preceding the time appointed for such election, which advertisements and notices shall specify

the time, place or places and the object and purpose of holding such election.

Election shall be conducted as prescribed by existing law.

4. *And be it enacted*, That any election held under the provisions of this act shall be by ballot, and shall be held and conducted, and the votes canvassed and counted in the manner provided by law for conducting elections and canvassing and counting votes at town or local elections held in such township or townships; the ballots shall contain the words "for incorporation as a city under the act entitled 'An act providing for the incorporation of cities,'" or "against incorporation as a city under the act entitled 'An act providing for the incorporation of cities;'" if such election be at the same time and place or places as a general, township or municipal election, then a separate box shall be provided to receive the votes on the question of incorporation; if a majority of the votes cast at such election be in favor of incorporation as a city under this act, then within five days thereafter a certificate of the result of such election, signed by the chairman of the township committee who first called a meeting in pursuance of the petition and attested by the clerk of the same township, together with certified copies of the petition, order for election and statement of the board of canvassers or election officers who canvassed the vote, and proof by affidavits that due notice of such election was given, shall be filed with the secretary of state, and from and after filing the same the inhabitants of the district aforesaid, in which such election was held, shall be a body politic and corporate under the name of the city of (specifying the name designated in the petition) and by such name and title shall have perpetual succession, sue and be sued, prosecute and defend in all courts in this state, have a common seal and alter the same at pleasure, and purchase, hold and convey real and personal property for the use and benefit of the city.

Result shall be certified and filed.

Township committee shall divide corporation into wards.

5. *And be it enacted*, That it shall be the duty of the chairman of the township committee to whom the petition for an election on the question of incorporation was presented, as provided in section two of this act, within ten days after filing the certificate of the result of such election with the secretary of state, to call

another meeting of the township committee or committees which ordered such election, at some convenient time and place within the district which has voted as aforesaid to incorporate under this act; and such committee or committees shall, at such meeting or a subsequent meeting to which the matter may be adjourned, divide such city into three or more wards and fix a time, not less than thirty days after such division into wards, for the first city election under this act; each ward shall consist of contiguous territory and contain as nearly as possible an equal number of inhabitants; such division into wards shall continue until changed by the city council after a United States or state census; during the year following a United States or state census (but at no other time) the city council may by an ordinance passed by a two-thirds vote of all the members thereof, change the division into wards; but such ordinance shall not be passed except at a meeting held at least a week after such ordinance shall have been introduced and read.

City shall separate from the township.

6. *And be it enacted*, That any city incorporated under this act shall be entirely separate from and independent of the township or townships from whose territory it was taken; all lands and real estate belonging to any of such townships located within said city shall thereafter be the property of the city; and all other lands and real estate belonging to said townships shall be and remain the property of the township in which it was located; all property, debts and obligations of such township or townships at the time of such incorporation shall be equitably divided between the city and such townships, regard being had in making such division to the value of the lands and real estate which shall have fallen to each respectively; if the city council and township committee or committees cannot agree on such division, then, on application of either to the court of common pleas of the county, such court shall appoint three commissioners, not inhabitants or property owners in such city or township or townships, to make such division, and shall make such rules and orders with respect to the proceedings of such commissioners as may be just and proper; the report of the commissioners, or

Public property shall be divided

a majority of them, under their hands, shall be final and conclusive unless an appeal be taken within thirty days after such report shall be filed in the county clerk's office; should such appeal be taken the court of common pleas shall review the decision of the commissioners and reverse, modify or affirm the same as shall appear to be just.

City officers shall be elected annually.

7. *And be it enacted*, That there shall be elected at the annual city election in each city incorporated under this act a mayor and a city council, consisting of one councilman from each ward, chosen by the electors thereof, and such other officers as may be provided by law, and all cities incorporated under this act shall be governed by the laws of this state relating to and regulating the government of cities.

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

Approved March 22, 1895.

CHAPTER CCLXX.

An Act authorizing cities of the first and second class to make necessary repairs to curbs and sidewalks and assess the cost thereof upon the property benefited.

Certain cities may require owners to lay curbs and flags, establish grades, etc.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in cities of the first and second class of this state it shall be lawful for that municipal board or authority having control of the repairing of the streets of such city by resolution to require, in their discretion, any property owner or property owners to lay, alter, repair, relay, set or reset with curbstone or flagstone, and to supply and lay or set new curb or sidewalk, or to level the same in accordance with the established grade, in front of the property of any such owner or owners in accordance with specifications to be furnished by said board or

authority, and when such repairs shall be made by the said owner they shall be made under the direction and control of the general superintendent of works of the board of street and water commissioners of such city or of such other officer or committee as shall have charge and control of the streets of such city, and shall be subject in all things to his or their approval; and if any such property owner or owners shall neglect or refuse to make the repairs required by such board or authority, as herein authorized, for four weeks after notice shall have been served upon such owner or owners or mailed to the last known post-office address of such owner or owners, or of his or their known agents, then such board or authorities shall cause to be published in their official minutes a declaration of their intention to proceed, which declaration, so published, shall be deemed a complete and final notice and a bar to any claim of insufficient service, and such board or authority may then proceed to make such repairs; and the amount so expended by any city in making such repairs in front of any lot or parcel of land shall be a first and paramount lien of the taxes imposed in any such city on said premises, and shall be collected by the comptroller or other proper officer of such city now or hereafter having charge of the collection of assessments levied for the benefits received from opening, grading and paving streets in the same manner as such assessments are now or may hereafter be collected, or such comptroller or other officer may, in his discretion, report the amount due from each property owner on account of such sidewalk improvement and then remaining unpaid, to that board or authority having control of the levying of taxes in such city, which said board or authority shall cause such sum or sums to be included in the annual taxes to be levied against such lot or lots so reported, and such sum or sums so included shall be collected by the collector in any such city in the same manner as general taxes are now collected in such city, and shall be subject to the same penalty for non-payment, including interest at such rate as may now or hereafter be fixed by law for arrears of taxes and in-

Upon failure of owners to comply governing body may do the work at cost of owners.

cluding also the right on the part of the city to sell the property for non-payment.

And may use city funds to pay for the same.

2. *And be it enacted*, That in order to carry out the provisions of this act the board or authority herein vested with power to make such repairs shall have power to expend a portion or the whole of any fund heretofore set aside in any such city for said purpose, and if such fund shall become exhausted by reason of the making of such repairs, said board or authority shall be privileged to expend out of any license moneys set aside in any such city for the repairing of paved streets such further sum or sums as may be necessary for said purpose.

How assessments when collected shall be disposed of.

3. *And be it enacted*, That when the assessments herein authorized to be levied for the making of such repairs shall be collected, the treasurer or other proper officer of such city shall credit the amount so paid, first to the account for the repairing of paved streets, until the full amount taken therefrom for the purposes of this act shall be restored, and the balance to such account as may exist in such city for the making of repairs to sidewalks, et cetera.

Repealer.

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

Approved March 22, 1895.

CHAPTER CCLXXI.

An Act to enable cities of the third class to purchase lands and erect school buildings thereon.

Governing body may borrow money.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That hereafter in any incorporated town or city of the third class of this state when any public school-house shall be in a dilapidated, unsanitary, unsafe or unsatisfactory condition

for school purposes, or when the increase in population demands more school accommodations, it shall be lawful for the common council, board of aldermen or other body having control of the finances of such city, to borrow money to an amount not exceeding the sum of fifty thousand dollars, for the purpose of purchasing lands and erecting school-houses thereon.

And issue bonds.

2. *And be it enacted*, That the said common council, board of aldermen or other body having the control of the finances of such city, to secure the payment of the sum or sums so borrowed, may issue bonds in the corporate name of such city, to be denominated "school bonds of the city of———," not to exceed in the aggregate the sum of fifty thousand dollars, payable in not more than twenty years, bearing interest not to exceed the rate of five per centum per annum, pledging the faith and credit of such city for the payment thereof, which bonds shall be sold to the highest bidder at not less than par value; *provided*, *however*, that the purchase of lands for such purposes and the erection of school-houses thereon with the money so borrowed shall be under the direction and control of the board of education of such city.

Charter limitations shall not apply.

3. *And be it enacted*, That if the charter of any such city of the third class in this state shall limit the amount of indebtedness that may be incurred, or by its terms prevent the carrying out of the provisions of this act, the same shall not hereafter be held to apply to the raising of money under the provisions of this act, any other law to the contrary notwithstanding.

Repealer.

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

Approved March 22, 1895.

CHAPTER CCLXXII.

An Act to empower boards of aldermen, councilmen or other governing bodies of cities, towns or boroughs of this state to give notice of intention to pass ordinances for any public improvement by publication.

Governing body shall advertise notice of intention.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever by the charter, special public law or general public law under the provisions of which any city, town or borough of this state shall intend to cause any public improvement to be made no specific direction is given of the manner in which notice shall be given of the intention of the board of aldermen, councilmen or other governing body of such city, town or borough to pass and adopt an ordinance or ordinances to cause such public improvement to be made, it shall be lawful for the said board of aldermen, councilmen or other governing body of any city, town or borough of this state to cause notice of its intention to pass such ordinance or ordinances to be given by publication for two weeks before the introduction or first reading of such ordinance or ordinances in one or more newspapers published and circulating in such city, town or borough; or if no newspaper be published in said city, town or borough, then in a newspaper published in the county wherein such city, town or borough is situate, and circulating in said city, town or borough; *provided*, that if such public improvement contemplates the taking and appropriating of any land and real estate owned by a person or persons not residents in said city, town or borough, a copy of said notice shall be served on said non-resident owner personally or mailed to his or her post office address if known, at least ten days before the introduction of said ordinance.

Proviso.

Publication shall be good and sufficient notice

2. *And be it enacted*, That any such notice of intention so published as aforesaid shall be a good and sufficient notice of the intention of said board of aldermen, councilmen or other governing body to cause said public improvement to be made.

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

Approved March 22, 1895.

CHAPTER CCLXXIII.

Amendment to an act entitled "An act to protect the planting and cultivating of oyster in the tide waters of this state," which act was approved May seventeenth, one thousand eight hundred and ninety-four.

Section to be amended.

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

Oysters, etc., on private grounds shall be deemed personal property.

2. *And be it enacted*, That upon the grounds now or hereafter held, used or occupied as aforesaid, the person or persons holding, using or occupying the same may plant, cultivate and gather oysters; they may shell said grounds and gather the oysters that may grow thereon, and all oysters on said grounds shall be deemed and taken to be their personal property; and every person or persons who shall gather, catch or take oysters, clams or shells from any lot of ground property planted with oysters held, used or occupied as aforesaid, or use thereon any tongs, rake or dredge without the permission of the person or persons holding, using or occupying the same, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in a sum not greater than one hundred dollars or be confined in the county jail for a period not exceeding six months, or both, at the discretion of the court.

Trespassing thereon shall be deemed a misdemeanor.

Penalty.

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

Approved March 22, 1895.

CHAPTER CCLXXIV.

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

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the mayor and council to establish by ordinance a police department for the borough, with such officers and patrolmen as they shall deem necessary, and by said ordinance determine and from time to time as public safety may demand to in like manner increase such police force, and the cost and expense of said department and the maintenance thereof shall be defrayed out of the taxes received for general borough purposes. Mayor and council may establish a police department. Cost and expense shall be paid by taxation.

2. *And be it enacted*, That said mayor and council may cause to be erected and maintained such police stations as may be necessary for the efficiency of the department referred to in the preceeding section of this act, and to cause to be constructed or erected electric or other police signals, to and with such stations, and in case there be no funds applicable for this purpose to issue certificates of indebtedness therefor payable in five years or such less time as they may determine. Police stations and electric signals may be erected. Certificates of indebtedness may be issued.

3. *And be it enacted*, That in case a borough owns a stone crusher it shall be lawful for the mayor and council to sell for cash surplus crushed stone. Surplus crushed stone may be sold.

4. *And be it enacted*, That the inhabitants of and the territory within any incorporated or semi-incorporated village may in manner provided for the incorporation of boroughs under the act to which this is a supple- Semi-incorporated borough may be incorporated under the act to which this act is supplemental.

ment, be and become incorporated as a borough under last aforesaid act, and that upon the consummation of such borough incorporation in manner provided by said act, the village government shall cease and determine, and all moneys, assets, rights, interests and credits of every name and nature shall be and become the property of and vested in the mayor and council of such borough, and the liabilities of such village shall be and become the liability of such borough, and shall be paid as other borough indebtedness; *provided, however*, that any and all boroughs heretofore incorporated under said act from and out of the territorial area of any such village be and the same is hereby ratified and confirmed in all things, and such incorporation and all things thereto appertaining shall have the same force and effect in fact and in law as though such borough had been incorporated after the passage of this act.

Proviso.

Mayor and council may fix salaries of assessor and collector.

5. *And be it enacted*, That it shall be lawful for the mayor and council to annually by ordinance fix and determine the salary and compensation of the borough assessor and collector of taxes.

Repealer.

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

Approved March 22, 1895.

CHAPTER CCLXXV.

An Act to provide for the appointment, term of office and salary of assessors in certain cities in this state, to fix the time for making assessments and for the meeting of the board of assessors in such cities, and to vacate the office of all assessors now holding office in such cities.

Certain cities may appoint assessors-at-large.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in any city of this state now or hereafter having within its territorial limits a population of more than fifteen thousand and less than thirty-five thousand inhabitants, it shall be lawful for the mayor of such city to appoint in and for such city three assessors-at-large, who, when so appointed, shall perform and discharge the same duties as are now required by law of assessors heretofore elected or appointed in such city, and they shall hold office for the term of three years from the date of their appointment and until their successors are appointed and qualify; and in case of vacancy in the office of any such assessors during such term, either by death, resignation or other cause, such vacancy shall be filled by the mayor of such city by appointment for the unexpired term only; the said assessors appointed under the provisions of this act shall each receive as compensation for the performance of their duties as such assessors an annual salary, which shall be fixed by the common council or other governing body of such city, but which shall not be less than five hundred nor more than one thousand dollars, which said salary shall be in lieu of all other compensation or fees heretofore allowed to assessors in any such city for the performance of their duties, and shall not be increased or decreased during their said term of office.

Fill vacancies.

And fix compensation.

2. *And be it enacted*, That within fifteen days after

Governing body shall establish assessment districts.

the first and every subsequent appointment of assessors in any such city under the provisions of this act, the common council or other governing body of such city shall, by resolution, divide such city into three assessment districts of substantially equal area and shall, by the same resolution, assign one of the assessors so appointed to each of said districts for the term of his office.

Time when assessment shall be made.

3. *And be it enacted*, That the said assessors shall make in their respective assessment districts, the assessment required by law, between the twentieth day of May and the last Tuesday in July in each year, and that they shall meet as a board of assessors on and after the last Tuesday of July in each year.

Assessors shall meet as a board.

Assessors may be appointed at any time after passage of this act.

4. *And be it enacted*, That the said assessors may be appointed by the mayor of such city at any time after the passage of this act, and upon their appointment shall immediately enter upon the discharge of their duties, and the offices and terms of office of all assessors existing in any city wherein the provisions of this act may be adopted and assessors-at-large be appointed as aforesaid, shall cease and be abolished and vacated upon the appointment of the said assessors under this act, who shall be taken to be and are hereby declared to be the successors of the assessors whose offices are vacated by this act; *provided*, that in any such city having more than three wards there shall not be more than one of the said assessors-at-large appointed from the same ward; *and provided, further*, that such city shall have as many votes in the board of county assessors in the county in which such city is located as there shall be wards in any such city.

Office of existing assessors abolished.

Proviso.

Proviso.

Repealer.

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

Approved March 22, 1895.

CHAPTER CCLXXVI.

An Act relating to the supply of water for public uses in townships of counties of the first class.

Certain townships may contract with adjoining municipality for a water supply.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the township committee of any township of a county of the first class of this state owning its own pipes and mains and hydrants shall have power, in the name of the inhabitants of the said township, to enter into and make a contract or agreement with the municipal authorities of any adjoining city or with any water company, for a term of five years or less, for the obtaining and furnishing of a supply of water to be used by the said township for public purposes and uses, at such rates and upon such terms as can be mutually agreed upon.

Township committee may establish rules and regulations for water service.

2. *And be it enacted*, That the said township committee may supply the water so obtained to the inhabitants of the said township upon such terms, rents, rates, prices and regulations as may be determined upon by the said township committee, and that the money so received from the sale of water shall be applied towards the payment of the water in accordance with the terms of the contract or agreement entered into as provided by section one hereof, and that the balance thereof shall be applied by the township committee to defray the necessary expenses, repairs, maintenance and the extension of such pipes and hydrants; *provided, however*, that the money so received from the sale of water upon any portion of the main or any extension of pipes and hydrants, now made or which may hereafter may be made and for which bonds of the inhabitants of said township are now issued, whether the same be issued by virtue of any general or special act, or for which bonds shall be hereafter issued under the terms of this act, after the deduction of its proportion of the money to be applied to the

Receipts shall be applied to payment of expenses.

Proviso.

payment of water in accordance with the contract or agreement entered into as provided by section one hereof, shall be applied towards the creation of a fund for the payment of the principal and interest of said bonds.

Water rents shall be a lien upon property served.

3. *And be it enacted*, That the owner and occupier of any house, tenement, building or lot shall each be liable for the payment of the rent of water as fixed by the said township committee, for the use of the water by such owner or such occupier, and such rent so fixed shall be a lien upon said house, tenement building or lot until the same shall be paid and satisfied; that the said township committee shall have authority to require payment in advance for the use or rent of water furnished by the said township in or upon any building, place or premises, and in case prompt payment of any water rent or water rents shall not be made when the same shall become due, the water shall be shut off from said building, place or premises, and shall not be again supplied until such arrears with interest thereon shall be fully paid; and it shall and may be lawful for the said township committee to give notice once a week for four weeks, by advertisement in a newspaper published in said township, requiring the owners or occupants of such houses, tenements or buildings or lots, to pay such water rents remaining due or unpaid thereon, and if the same are not paid, such houses, tenements or buildings or lots will be sold at public auction by the tax collector in the manner now provided for the sale of real property for unpaid taxes for the amount of the rent with interest thereon, and the expenses of such advertisement and all other incidental expenses, and if, notwithstanding such notice, the owners or occupants refuse or neglect to pay such rents, interest and expenses, then it shall be lawful for the said township committee to direct the said tax collector to sell such houses, tenements, buildings or lots in the manner provided by law for the sale of real property for unpaid taxes in said township.

Committee may require rents to be paid in advance.

Sales of property for delinquent rents shall be advertised.

Water mains may be extended.

4. *And be it enacted*, That when application from any of the inhabitants of the said township for water have been made to the township committee from any part of the township not then supplied with water, which, when taken at the rate established by the town-

ship committee as provided by section two hereof, shall amount in value to at least one-tenth of the estimated cost of extending the main from the most available section of the former main to the place for which water has been applied, it shall be lawful for the township committee to cause the said main to be extended and all necessary hydrants to be constructed thereon, and the said township committee is hereby authorized and empowered, if there are not sufficient funds at its disposal to make said extension, to borrow upon the credit of the township by the issuance of promissory notes or bonds of the inhabitants of such township, signed by the chairman of such committee and attested by the clerk of the township under the seal of the township, which bonds shall pledge the whole property of the township for the payment thereof, and especially pledge the rents derived from the sale of water on such extension according to section two of this act, which bonds or notes shall bear interest at a rate not greater than five per centum per annum, and the interest may be made payable semi-annually and the bonds to be either registered or coupon, as the township committee shall direct; said notes or bonds may be made payable at such time as said township committee may direct, but no bonds shall be issued for a longer period than ten years from the date thereof, nor shall the same be negotiated at less than par; *provided*, *however*, that no bonds shall be issued under this act whereby the bonded indebtedness of said township shall thereby be caused to exceed twenty per centum of the average assessed valuation of the real property in said township for the three years immediately preceding the said proposed issue.

Committee may issue bonds to pay for extensions.

Terms and conditions of bonds.

Proviso.

5. *And be it enacted*, That any contract for the supply of water or any issue of notes or bonds heretofore made and which, except for the date of the same, would otherwise fall within the terms and conditions of this act, are hereby declared good and valid and are hereby given the same effect as if made after the passage of this act.

Notes or bonds heretofore issued validated.

6. *And be it enacted*, That the provisions of this act shall remain inoperative in any such township until assented to by a majority of the legal votes cast for or

This act inoperative until adopted at an election.

against such measure at any regular township election to be hereafter held in such township, of which election on such proposed measure the clerk of the township shall cause notice to be published in the manner now required by him for notices of regular township elections, and the ballots provided at such election for such purpose shall contain the words "for water bill of 1895" or "against water bill of 1895," and, if a majority of the votes cast thereat shall be in favor of this act, then it shall go into effect immediately.

Election shall be advertised.

What the ballots shall contain.

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

Approved March 22, 1895.

CHAPTER CCLXXVII.

An Act to repeal an act entitled "A further supplement to an act entitled 'An act to authorize the construction, curbing and paving of sidewalks and crosswalks in townships,' approved May ninth, one thousand eight hundred and eighty-four," which supplement was approved March seventeenth, one thousand eight hundred and eighty-seven.

Act repealed.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That an act entitled "A further supplement to an act entitled 'An act to authorize the construction, curbing and paving of sidewalks and crosswalks in townships,' approved May ninth, one thousand eight hundred and eighty-four," which supplement was approved March seventeenth, one thousand eight hundred and eighty-seven, be and the same is hereby repealed.

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

Approved March 22, 1895.

CHAPTER CCLXXIX.

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

Board of chosen freeholders may issue bonds to provide for completion of building, etc.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That where, in any county of this state, a county lunatic asylum building has been erected or is being erected, pursuant to or in accordance with the provisions of the act to which this act is a supplement and the acts supplementary thereto, and such building is nearing or approaching completion, but the entire completion or finishing of the same shall be impracticable or impossible by reason of the fact that sufficient moneys or funds are not appropriated, set apart or available to meet and pay the expense necessary to enable the making of suitable and proper provision for the heating and lighting of such building so that the same can be used and occupied for the purposes for which it was designed or intended, therefore, in order to make suitable and proper provision for the heating and lighting before referred to, and to enable the said building to be entirely completed and finished, including such heating and lighting and other things necessary in the premises with all reasonable speed, the board of chosen freeholders of such county may and hereby are authorized and empowered to issue or cause to be issued bonds (except as may be herein otherwise directed) of the character, denomination, tenor and effect of those heretofore authorized to be issued in and by the original act to which this is a supplement, as amended by the act amendatory thereof, approved March twenty-third, one thousand eight hundred and ninety-two, to an amount or sum not exceeding twenty-five thousand dol-

lars, such bonds to be made, issued, sold or disposed of as directed in such amended act; and provision for the payment of the bonds herein authorized shall be made each year as provided in the aforesaid original act, save as may be herein otherwise directed, and excepting that the first provision for the payment of the same shall commence with and be made in the year one thousand eight hundred and ninety-six, and like provision shall be made each year thereafter until the whole principal sum of the bonds in this act authorized shall have been provided for; there shall be inserted in the tax levy of the county each year, to meet and pay the principal of said bonds after the issue thereof, a sum not less than two thousand dollars, and in making provision for the issue of such bonds regard may be had to this last-mentioned provision and the issue thereby regulated; proper provision for the payment of interest accruing on such bonds shall be made each year in like manner; none of the moneys herein authorized to be raised shall be applied to any purpose than those above mentioned, nor shall any of the sums be used to defray any compensation to the architect heretofore provided for.

Payments of principal and interest shall be provided for by taxation.

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

Approved March 22, 1895.

CHAPTER CCLXXX.

An Act to promote the efficiency of fire departments in cities of the first class.

New appointments limited to a certain grade.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That no appointment to the fire department of any city of the first class of this state, of any person not already employed in said department, shall be made to any position therein of a higher grade than that of hoseman or a grade equivalent thereto in point of compensation.

2. *And be it enacted*, That appointments to any position or positions of a higher grade than hoseman or its equivalent as aforesaid in any such department shall not be made, except by promotion from among the men already employed in such department either permanently or as men-at-call. Higher grade appointments shall be by promotion.

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

Approved March 22, 1895.

CHAPTER CCLXXXI.

A Supplement to an act entitled "An act to provide for the appointment of police justices in cities of the first class," passed May eighteenth, one thousand eight hundred and ninety-four.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That if the common council, board of finance, or other board or body having charge and control of the finances of any city in which courts are established by the act to which this act is a supplement, shall by resolution so provide, the annual salary of the judges of said courts shall be three thousand five hundred dollars, and the annual salary of the clerks shall be eighteen hundred dollars, to be paid monthly in the same manner that other officers of such city are paid; and upon the adoption of such resolution, all fees now by law payable to such judges and clerks shall be paid into the city treasury for the use of the city, and thereafter the judges and clerks of such courts shall not be paid any fees or compensation other than the salaries herein provided for. Salaries of judge and clerk shall be provided for by financial board. All fees shall be paid into city treasury.

2. *And be it enacted*, That all acts and parts of acts inconsistent with the provisions of this act be and they Repealer.

are hereby repealed, and this act shall take effect immediately.

Approved March 22, 1895.

CHAPTER CCLXXXII.

An Act concerning townships wherein boroughs have been or shall hereafter be incorporated.

Township and borough authorities shall meet and apportion taxes to be collected.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the township committee or committees and the mayor and council of any one or more boroughs formed within any township or townships, shall within twenty days after the first annual election for borough officers hold a joint meeting at some convenient place within the township, and shall ascertain and determine thereat or at an adjourned meeting what amount of the unexpended balances of township moneys, against which there are no outstanding demands, is due to the borough or boroughs aforesaid; that such amount shall be ascertained and calculated upon the proportion that the assessed valuation of real and personal property within the territorial limits of the borough, as appears by the township duplicates for the preceding year, bears to the likewise assessed valuation within the whole township, and thereupon said township committee shall, by resolution, direct the collector of taxes or township treasurer, or both, as the case may be, to pay such sum or sums so found to be due to the collector of taxes for the borough or boroughs, as the case may be, for the use of the borough.

Act to apply to certain townships.

2. *And be it enacted*, That this act shall apply to and be enforced within the townships wherein boroughs have been incorporated since the first day of January, one thousand eight hundred and ninety-four.

Repealer.

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

immediately, and that all acts and parts of acts inconsistent herewith be and the same are hereby repealed.

Approved March 22, 1895.

CHAPTER CCLXXXIII.

An Act concurring in an act passed by the general assembly of the commonwealth of Pennsylvania, approved March fourteenth, anno domini one thousand eight hundred and sixty-seven, entitled "An act to authorize the owners of certain mills on the Delaware river at Morrisville to extend their wing-dam."

Whereas, The general assembly of the commonwealth of Pennsylvania passed a certain act, approved March fourteenth, anno domini one thousand eight hundred and sixty-seven, the title and the act being as follows: Preamble.

"An act to authorize the owners of certain mills on the Delaware river at Morrisville to extend their wing-dam.

"Whereas, Adam Hoops erected certain mills upon an arm of the Delaware river, between an island and the main shore at Morrisville, in Bucks county, and for the purpose of supplying the same with water constructed a wing-dam extending up the river from head of said island, the right to the continuance of which and of taking water from the river for the use of said mills was recognized and confirmed by the general assembly of Pennsylvania, in one thousand seven hundred and seventy-one; and Preamble.

"Whereas, By the construction of canals and water works tapping the river above said dam, the flow of water into said dam has been much obstructed and diminished and the value of said mills impaired; therefore, Preamble.

"Section 1. BE IT ENACTED *by the Senate and House of Representatives of the Commonwealth of Pennsyl-* Act recited.

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vania in General Assembly met, and it is hereby enacted by the authority of the same, that David W. Kelly, Andrew K. Rowan, William C. Vansant and Joakim R. Moon, the present owners of said mills, their heirs and assigns, are hereby authorized to extend the said wing-dam up the stream to the distance of seven hundred and thirty-five feet from the head of the present dam;

Proviso. *provided*, that the head of said wing-dam does not extend into said river beyond the distance of five hundred and fifty feet from the Pennsylvania shore, and that nothing herein contained shall authorize any construction that will interfere with the channel of said river;" therefore,

Act concurred in. 1. BE IT ENACTED, *by the Senate and General Assembly of the State of New Jersey*, That the above act be and the same is hereby concurred in.

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

Approved March 22, 1895.

CHAPTER CCLXXXIV.

Supplement to an act entitled "An act to authorize the construction, curbing and paving of sidewalks and crosswalks in townships," approved May ninth, anno domini one thousand eight hundred and eighty-four.

Application of act and supplement defined. 1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the provisions of an act entitled "An act to authorize the construction, curbing and paving of sidewalks and crosswalks in townships," approved May ninth, one thousand eight hundred and eighty-four, and the several supplements thereto and acts amendatory thereof, shall apply to either the construction, curbing or paving of sidewalks in townships, and also to the construction and curbing, construction and paving or curbing and paving.

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

Approved March 22, 1895.

CHAPTER CCLXXXV.

An Act to enable counties of the second class in this state to furnish suitable accommodations for the transaction of public business.

Board of chosen freeholders may erect buildings to accommodate the courts.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in any county of the second class in this state in which there are not public buildings the property of the county suitable and sufficient to accommodate the courts, the different officers and departments of the county government, the board of chosen freeholders of any such county is hereby authorized to erect such buildings upon property now owned by such county as hereinafter provided.

Board shall appoint a building commission.

2. *And be it enacted*, That for the purposes of this act, whenever the board of chosen freeholders of such county shall decide by a resolution of two-thirds of all its members that such a building or buildings shall be necessary, it shall be the duty of the circuit court, upon the presentation of such resolution thereto by said board, to appoint three disinterested freeholders and residents of said county, no more than a majority of whom shall be members of the same political party, and who shall give a bond for the proper performance of their duty in the penal sum of ten thousand dollars, and shall serve during the pleasure of the appointing power and until others are appointed in their places, unless removed for cause by the said court, who shall have power to erect on the property now owned by said county such buildings as they shall deem suitable for the purposes of this act.

3. *And be it enacted*, That said commissioners shall

Organization and powers of commissioners.

organize by the selection of one of their members as chairman, and all payments made for the purposes of this act for the labor and materials furnished shall be upon orders or certificates of said commissioners, signed by their chairman, and the acts of a majority of said commissioners shall be the acts of the commissioners as herein authorized; and such commissioners shall receive as full compensation for their services one hundred dollars per month each for the time they serve, and the chairman shall receive twenty-five dollars per month in addition thereto; and the clerk and counsel respectively of the board of chosen freeholders of such county shall act as clerk and counsel respectively of such commissioners, and shall receive such compensation for their services as such commissioners shall decide.

Compensation of commissioners and officers

Chosen freeholders may issue bonds.

4. *And be it enacted*, That it shall be lawful for the board of chosen freeholders of any such county, by resolution adopted by a vote of not less than two-thirds of all the members of such board, to order, direct and authorize the issue, for the purposes aforesaid, of bonds in the corporate name and under the corporate seal of such county, the total amount of which shall not exceed the sum of two hundred thousand dollars.

Form and conditions of bonds.

5. *And be it enacted*, That such bonds, so as aforesaid directed and authorized to be issued, shall be signed by the director or director-at-large of the board of chosen freeholders of such county and the county collector thereof, and the corporate seal shall be attached thereto; they shall state upon their face for what purpose the same are issued; they shall be of the denomination of not less than one thousand dollars each; such bonds may be either registered or coupon bonds, and shall bear interest at a rate not exceeding four per centum per annum, payable half-yearly, which bonds may be sold at either public or private sale for the best price which can be obtained therefor, but the same shall not be sold for less than their par value; and registered bonds may be exchanged for coupon bonds, and vice versa, at the option of the holder, if the board of chosen freeholders shall by resolution consent thereto; all real and personal property within such county shall be liable for the payment of the principal and interest of such bonds.

Shall not be sold for less than par.

Board shall provide for payment of principle and interest.

6. *And be it enacted*, That the board of chosen freeholders of such county shall provide for the payment of the principal and interest of said bonds by taxation as follows: every year after the issue thereof, said board shall, by tax, in the manner hereinafter directed for the payment of the principal, raise and provide moneys sufficient to pay the interest thereon as the same shall accrue; yearly and every year, commencing with and including the year one thousand nine hundred and one, until said bonds shall be redeemed and paid off, such boards shall order and cause to be assessed and collected by tax at the same time and in the same manner that other county taxes in such county are assessed and collected, a sum in addition to the amount required for interest, of not less than ten thousand dollars, to pay the principal of said bonds; and provision for the redemption and payment thereof, in accordance with this section, shall be made at the time of the direction for and issue of the bonds as aforesaid; *provided*, that the whole expenditure for the erection of said building or buildings and all purposes of this act shall not exceed the sum of two hundred thousand dollars.

Proviso.

Work shall be done and materials furnished by contract.

7. *And be it enacted*, That the work done and the materials required to be furnished by virtue of this act, shall be done and furnished only under a contract or contracts in writing, which shall be awarded upon bids duly advertised for in three newspapers printed and published in said county, at least ten days previously, and the lowest bidder only shall be entitled to the contract; and such bidder shall be required to enter into bond, with such sureties as such commissioners shall determine by resolution at the time the bids are ordered or invited, for the faithful performance of the contract, which sureties shall not be less than two in any case, and they shall be residents and freeholders in the county, seized of real property therein over and above all their debts and above all liens and incumbrances on the property of not less than sixty per centum of the contract to be secured by their bond; in case of the rejection of any bid for any reason, as well as in a case where the lowest bidder may for any unforeseen reason fail to enter into contract as above specified, new bids shall be ad-

Bids shall be advertised for and awarded to the lowest bidder.

Contractor shall give bond with surety.

vertised for, and the contract to be made shall be made with the lowest bidder; all bids must be accompanied by offer of sureties qualified as aforesaid, who shall make oath to the same, and who shall specify therein that each of them is ready and willing to enter into bond for the faithful performance of the contract as above provided.

Repealer.

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

Approved March 22, 1895.

CHAPTER CCLXXXVI.

An Act to amend an act entitled "A further supplement to an act entitled 'An act for the preservation of sheep' [Revision], approved April fourteenth, one thousand eight hundred and forty-six," which further supplement was approved April fourth, one thousand eight hundred and ninety-four.

Section to be amended.

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

Book shall be provided for registering dogs.

2. *And be it enacted*, That it shall be the duty of each township, village, borough or city in this state to provide a book for the purpose of registering the owner's name of every dog or bitch and the number, numbering them in the order of the owners applying for said registration, and giving to each person information of the registered number thereof; the person applying for registration shall pay the sum of one dollar for each dog or bitch thus registered, of which the clerk shall receive twelve cents for each registration, the balance to be applied to paying damage done by dogs to domestic animals or poultry, after the same shall have been

Registry and clerk's fees.

Fund shall be applied to paying damages.

appraised by two freeholders, as authorized and directed by the act to which this is a supplement and the supplements to said act, and in case there is no damage, such balance to become a part of the general fund of such township, village, borough or city, as the case may be.

Balance shall be paid to general fund.

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

Section to be amended.

3. *And be it enacted*, That in case the clerk of any township, village, borough or city shall neglect or refuse to so register any dog or bitch when application shall be made to him for that purpose, he shall forfeit and pay the sum of ten dollars for each refusal, which shall be paid to the treasurer of the township, village, city or borough, and be applied to the general fund of such township, village, city or borough, as the case may be.

Clerk shall be liable to penalty for refusing to make register.

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

Section to be amended.

4. *And be it enacted*, That the common council or governing board of any incorporated city, village, borough or town or the township committee of any township in this state are hereby authorized and empowered and whose duty it shall be to appoint one or more persons in their respective cities, villages, boroughs, towns or townships with full power and authority to kill any dog, male or female, found straying off the owner's premises without such collar as above provided for upon its neck.

Governing body may appoint persons to kill unregistered dogs.

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

Section to be amended.

5. *And be it enacted*, That the common council or governing board of any incorporated city, village, borough or town and the township committee of any township are hereby authorized to fix the compensation to be paid to any person or persons appointed as above provided for and to pay the same out of any moneys in the treasury of said city, village, borough, town or township.

Governing body may fix compensation of dog killers.

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

Approved March 22, 1895.

CHAPTER CCLXXXVII.

An Act to authorize the purchase of land and the erection of fire engine houses thereon in cities of the second class in this state.

Governing body may purchase lands and erect buildings.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the mayor and common council, or other governing body of any city of the second class in this state, are hereby authorized and empowered to purchase the necessary land for the erection of a fire-engine house, and to erect thereon a suitable fire-engine house for use in said city; *provided*, the aggregate cost of such land and engine-house shall not exceed the sum of twenty-five thousand dollars.

Proviso.

May issue bonds to a certain amount.

2. *And be it enacted*, That to provide money necessary to carry this act into effect the mayor and common council, or other governing body of such city, shall have power to issue bonds of such city to an amount not exceeding twenty-five thousand dollars, having not more than twenty years to run, and bearing interest at a rate not to exceed five per centum per annum, pledging the faith, credit and property of said city for the payment of the same, which bonds, after proper advertisement for the sale of the same, shall be sold to the highest bidder.

And shall establish a sinking fund.

3. *And be it enacted*, That for the purpose of redeeming said bonds and meeting the interest thereon the said city shall provide a sinking fund, and shall annually include in the tax levy or appropriations of such city a sufficient proportion of said bond issue to meet

the principal sum of said bonds at maturity and retire the same from the proceeds of said sinking fund.

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

Approved March 22, 1895.

CHAPTER CCLXXXVIII.

An Act to authorize cities to issue bonds for the construction of public schools.

Legislative body may issue bonds to a certain amount.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the board of aldermen, common council or board having charge of the finances or other legislative body of any city in this state may issue bonds to the amount of fifty thousand dollars each year for the purpose of purchasing lands and the erection thereon of public school buildings and the furnishing of the same; said bonds shall be payable in not less than ten years and within twenty years from the date of their issue, and shall bear and pay interest at not more than five per centum per annum; shall be signed by the mayor, countersigned by the comptroller and attested by the city clerk and have the corporate seal affixed, and shall be sold for not less than par.

Form and conditions of bonds.

Buildings shall be erected and furnished by the school board.

2. *And be it enacted*, That the buildings to be erected pursuant to this act shall be erected and furnished by the body in any such city having charge of and control of the public schools, and the money arising from the sale of said bonds shall be placed to the credit of said last-named body, to be expended for the purposes aforesaid.

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

Approved March 22, 1895.

CHAPTER CCLXXXIX.

An Act respecting the opening, widening, extending or otherwise improving of streets, avenues and public highways in cities of the first class in this state, and providing for the payment of the same; and further providing that the assessments upon property for special benefits shall be payable in full or in installments at the option of the property owner.

Street board shall have power to improve streets, etc.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in addition to any power now vested in any board or body having control of the streets and highways of any city of the first class of this state, said board or body shall have further power either upon the application of any owner or owners of property liable to assessment for any contemplated improvement, or in their discretion to cause to be opened, widened, extended or changed as to its boundary any street, avenue or public highway in such city under the provisions of this act, and all proceedings taken hereunder shall refer to this act by its chapter number, and this act shall not be construed to affect the proceedings now provided by law regulating the subject-matters herein named, nor shall the proceedings which may be taken under the provisions of this act be abridged by the provisions of any previous act.

How this act shall be construed.

May erect viaducts, bridges, etc.

2. *And be it enacted*, That when in the opening, widening or extension of any street, avenue or public highway under the provisions of this act it becomes necessary to lay out and establish grades, and grade, curb and flag any portion or the whole of same, and to erect any viaduct, cause any filling to be made, retaining walls, bridges, abutments and approaches to be built, in order that a continuous and suitable public highway may be provided, such board or body may cause the same to be done; *provided*, *however*, that the

Proviso.

power vested hereunder shall not be construed to embrace general paving or sewering.

Preliminary proceedings required.

3. *And be it enacted*, That when in the judgment of said board or body it is desirable that any street shall be opened, widened or extended and a grade established therefor, and any improvement contemplated by this act should be made, then said board or body may, by a resolution setting forth the nature of the opening, widening, extension, grade and the character of the improvement desired, direct their proper officers to prepare either a map or specifications, or both, describing therein the location and character of such opening, widening, extension, grade and improvement, together with a preliminary estimate of the amount of materials and work necessary to carry out the desired improvement, which when so prepared, presented to and adopted by said board or body shall be filed, and upon the filing thereof, the officer or officers now performing a similar duty in such city, shall cause to be placed in the daily official newspapers of said city for five consecutive insertions and in any weekly official newspaper in said city for one insertion, an advertisement soliciting proposals for the doing of the work and for the furnishing of the materials necessary to complete the improvement, and when such proposal shall be presented, said board or body may at the time of such presentation or at any time thereafter, not exceeding six months, at some public meeting of said board or body, either reject any or all of said proposals or proceed to award a contract therefor in such manner as now prescribed by law in any said city for the making of improvements when the cost thereof, either in whole or in part, is payable by assessments for special benefits on property benefited thereby, which award of contract shall be provisional only and shall impose no duty or liability upon such city unless it shall be finally made by such board or body as hereinafter provided.

Maps and specifications shall be filed.

Proposals shall be advertised for.

Map showing details of proposed improvements shall be made.

4. *And be it enacted*, That when a contract shall be awarded as aforesaid such board or body shall cause to be prepared by such officer or officers now performing a similar duty in such city a preliminary map and report of such improvement based upon such award of such

contract and the amount of materials estimated as aforesaid, which said map shall show in detail the real estate or easements required to be taken for such improvement, and as far as practicable the names of the owners of such real estate as is required to be taken or any interest therein acquired and the damage to be done to any owner or owners, and shall also show the total cost of such contemplated improvement and the probable amount to be assessed upon the property specially benefited thereby, and the officer or officers so preparing said map and report shall, in the matter of real estate to be taken and of easements to be acquired and damages to be sustained, proceed in all things in the same manner as is now prescribed by law in any such city for the opening of streets when an assessment for special benefits is to be levied therefor; and upon the filing of such preliminary map and report the officer or officers now performing a similar duty in such city shall thereupon cause to be published in the official newspapers of such city a notice to parties interested in said proposed opening, widening, extension and establishing of grade of any street and any improvement, of the time and place for hearing objections thereto, which said notice shall describe the location and character of the opening, widening, extension and establishing of grade of any street and the proposed improvement, real estate to be taken or damaged and the easements to be acquired and the property to be assessed therefor, and such hearing shall not be held sooner than two weeks from the date of first publication of said notice; said notice shall be inserted in the official daily newspapers of such city for a period of five days, and in any weekly official newspapers of such city for one insertion, and at the time and place so fixed said board or body shall proceed to hear and adjudicate upon any objections which may be presented, and no opening, widening, extension, establishing of grade or any improvement shall be proceeded with under the provisions of this act if objections thereto in writing are presented to said board or body representing properties liable therefor to more than one-half of the probable assessment on the basis of preliminary map; in case objections shall not be so presented, or if

Hearing shall be advertised.

in the opinion of said board or body a sufficient reason has not been presented for stopping said improvement, an award of contract shall then be finally made and payment ordered for the real estate and easements to be taken and acquired and damages sustained; *provided*, that no payment shall be made for real estate taken, or easements acquired, or damages sustained, except in such manner as is now prescribed by law in any such city for the acquiring of lands for the opening of streets; *and provided further*, that if there is now required in any such city the concurrence of any other board or body in the final award of contract for assessable improvements and in the payments of awards for real estate taken, or easements acquired, and damages sustained, such concurring power shall not be dispensed with.

Proviso.

Proviso.

Bonds or certificates may be issued to pay for cost of improvements.

5. *And be it enacted*, That it shall be the duty of such city to pay for such real estate as may be taken or easements acquired, and for such damages as may be sustained in carrying out the provisions of this act, in the same manner as payment is now made in any such city for like purposes, when an assessment is to be levied for special benefits, and to pay for such work and materials as may be required by temporary bonds or improvement certificates, which bonds or certificates shall upon their face indicate the improvement for the payment of which and the date of the contract in pursuance of which they are so issued, by virtue of the provisions of this act; and it shall be the duty of the proper officer or officers of such city to keep a record of all bonds or certificates so issued, which said bonds or certificates shall be payable at the option of the city and within six years from the date thereof, and shall bear interest at a rate not exceeding five per centum per annum, payable semi-annually, from the first day of January or July next succeeding the date of issue; that the said bonds or certificates shall, as far as practicable, be issued in sums and for amounts of one hundred dollars and multiples thereof, and shall be negotiable, and shall not be subject to defense by the city causing the same to be issued, except such defense as might be interposed to the payment of bonds issued in such city

Record shall be kept of bonds issued.

Character and conditions of bonds and certificates.

for like improvements, and such bonds or certificates shall not be subject to taxation in the hands of the holder; and in case the amount assessed for special benefits on the property specially benefited does not equal the whole cost of the improvement, and any portion of the cost of such improvement is required to be borne by the city at large, said city shall provide for the payment thereof in such manner as is now provided by law in such city for payments where any part of the cost of an improvement, proposed to be paid by assessments upon property specially benefited, is placed upon the city at large.

Shall not be liable to taxation.

Commissioners shall make and file report of cost.

6. *And be it enacted*, That upon the completion of the work done by contract as herein provided, the said board or body having control of streets and highways in such city shall cause to be filed with the commissioners of assessment, or the officer or officers now levying assessments upon property specially benefited by an improvement, a statement showing the entire cost of said improvement, and such commissioners of assessment, officer or officers shall proceed to make the assessment and prepare a report and map showing the benefit to each lot or parcel of land which is specially benefited by reason of the opening, widening, extension and the establishing a grade of any street and the making of any improvement; and said assessment when so made shall be filed with the clerk of the board or body making the opening, widening, extension and the establishing a grade of any street and the improvement, whereupon notices by publication shall be given to the owners of the property liable to assessment therefor, which said notices shall name the time and place for the hearing of objections, and shall be published in such manner and for such length of time as heretofore provided in this act for the notice of hearing the preliminary map and report, and at the time and place so fixed in said notice said board or body shall then proceed to hear and adjudicate upon all objections which may be presented in writing against the confirmation of final assessment, and said board or body shall have the authority to confirm the same as a whole, or refer the same back to said commissioners of assessment, officer

Assessors shall assess benefits and file report thereof.

Notice to owners shall be advertised and objections heard.

or officers making the same, for further consideration, and the proceedings thereon shall be conducted in the same manner as the making of the original assessment, and the final action thereon shall be shown in the resolution of confirmation; and a copy of said final assessment map, on which shall be stated the date of confirmation, shall then be filed with the officer or officers upon whom devolves the duty of collection of assessments in any such city.

Final action shall be stated and filed.

7. *And be it enacted*, That after the confirmation of said assessment as herein provided the property owner or owners shall have five years from the date when the annual tax is payable, next after the making of the aforesaid assessment, in which to pay for the same; the amount assessed against each piece of property shall bear interest at the rate of six per centum per annum from the date of confirmation; and such payment may be made immediately after confirmation or in five equal annual installments as follows: the first installment is to be due and payable when the annual tax is payable, next after the making of the aforesaid assessment and confirmation, and each installment thereafter shall be due and payable on and after the date of payment of annual taxes of each year in said city, together with interest computed at the rate aforesaid upon the unpaid balance of such assessment, and the property owner or owners shall, at any time after the aforesaid confirmation, have the right to pay the said assessment or any amount remaining unpaid thereon, with interest as aforesaid, from the date of confirmation to the date of payment; all payments herein provided for shall be paid to the official or officials authorized to receive the payment of assessments in such city.

Unpaid assessments shall bear interest.

Assessments may be paid in installments.

8. *And be it enacted*, That all property against which said assessment is made shall be subject, as to each annual installment, to the laws now in force for the collection of taxes and assessments, and all such assessments and installments shall be enforced and collected in the manner now or hereafter provided by law for the collection of taxes and assessments; and it shall be lawful for such city through its proper board to provide by ordinance or resolution for such enforcement and col-

Enforcement and collection of assessments shall be provided for by ordinance.

lection in accordance with the provisions of this act and the laws of this state.

Preliminary to making improvements commissioners shall make resolution and statement to financial board.

9. *And be it enacted*, That in order to take advantage of the provisions of this act and put and keep the same in operation in such city, such board or body ordering the opening, widening, extension or establishing of grade of any street and the contract work herein authorized shall pass a resolution including therein an itemized statement of the cost of advertising done as herein directed, and any and all costs not herein mentioned and which may have been necessarily incurred to carry out the provisions of this act, which statement shall not include any amount of said costs as before referred to which represents any amount placed upon the city at large by reason of the assessments on property specially benefited by the improvement not equaling the cost of the improvement, and shall forward such resolution and statement to the board or body in such city having the control of the finances thereof; and such last-named board or body shall borrow such sum or sums of money so included in such resolution and statement in anticipation of the collection of taxes to be thereafter levied, and to issue evidences of indebtedness therefor at a rate of interest not exceeding five per centum per annum;

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provided, that any money borrowed as aforesaid shall be met and paid by an appropriation to that board having borrowed the money as aforesaid, the same to be placed in the tax levy next thereafter to be levied in any such city.

Board of finance shall provide moneys.

10. *And be it enacted*, That the board or body in any such city having control of the finances thereof, shall provide such sum or sums as may be necessary to acquire any real estate or easements therein for the purposes of this act to provide for any payment and for damages to such real estate as hereinbefore provided, and are empowered to issue evidences of indebtedness therefor at a rate of interest not exceeding five per centum per annum, and such certificates of indebtedness shall subsequently be redeemed when the assessments levied for special benefits hereunder are collected, or in such other manner as said board or body may direct.

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

Approved March 22, 1895.

CHAPTER CCXC.

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

WHEREAS, An act passed at this session of the legislature entitled "A further supplement to an act entitled 'An act for the formation of borough governments,' approved April fifth, one thousand eight hundred and seventy-eight," which first-named act was approved March seventh, one thousand eight hundred and ninety-five, went into effect only five days before the usual spring general elections in this state, whereby it was impracticable to fully put into effect all its provisions, especially those relating to the election of members of the township committee, overseers of the roads or township officers, as provided for in section six of said act; therefore, Preamble.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in all townships of this state within the limits of which are boroughs incorporated under the act to which this is a supplement, and in which townships at the time of the last general election the legally-qualified voters thereof failed to elect any member or members of the township committee, overseers of the roads or township officers in the place of such officers who were residing within the limits of such boroughs, under the provisions of section six of the act above mentioned, approved March Existing officers serve until the expiration of their terms.

seventh, one thousand eight hundred and ninety-five, the members of the township committee, overseers of the roads or township officers residing within the limits of such boroughs shall continue to act as such officers until the expiration of their several terms of office, anything in said supplement approved March seventh, one thousand eight hundred and ninety-five, to the contrary notwithstanding.

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

Approved March 22, 1895.

CHAPTER CCXCI.

An Act to authorize incorporated towns in this state governed by boards of commissioners, either separately or jointly, either with other boards of commissioners of incorporated towns or with townships in this state, to acquire and own lands for hospital purposes and to erect and maintain thereon hospitals and to pay for the same, and to convey such lands or any portion thereof when not needed for hospital purposes.

Commissioners may purchase lands and erect hospital buildings.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever the board of commissioners of any incorporated town in this state shall deem it advisable to provide a hospital for persons having contagious diseases, and for other hospital purposes, it shall be lawful for any such board of commissioners of such incorporated town to acquire and own lands in the corporate name of such incorporated town, whether such lands are situate in said incorporated town or out of it, for hospital purposes, and to erect and maintain thereon a hospital and to pay for the same from any money or funds of such incorporated

town not otherwise appropriated, or to obtain temporary loans for the purpose and provide for payment of such loans in the succeeding tax levy by taxes to be assessed and collected in the same manner as other taxes are assessed and collected for such incorporated town, and to convey such land as is acquired, or any portion thereof, when not needed for hospital purposes; but when such lands are situate out of the limits of any such incorporated towns as acquire title to the lands, then before using such lands for hospital purposes for persons having contagious diseases, there should be obtained the consent of the township committee or other governing body of the township or other municipality within the limit of which such lands lie and such hospital is erected, that the same may be used for the purpose aforesaid; but the total expenditure for lands and buildings for hospital purposes shall not exceed one-tenth of one per centum of the total sum of assessment for one year, for the purpose of taxation in such corporated town, as shown by the duplicate, or other records of assessments for the previous year.

And provide for payment of cost thereof.

When located in another municipality consent of governing body thereof shall be obtained.

2. *And be it enacted*, That it shall be lawful for the board of commissioners of any two or more incorporated towns, either with each other or the boards of commissioners of one or more incorporated towns with one or more townships, to jointly exercise all the power and authority given to separate boards of commissioners of incorporated towns in the first section of this act, and such boards of commissioners of incorporated towns are hereby authorized to make all necessary agreements for the purpose of so doing, and for doing all that any board of commissioners of any incorporated town is authorized to do separately by said first section of said act, including the power and authority to acquire and convey as aforesaid land inside or outside of the limits of any incorporated town.

Two or more towns may unite to build hospital.

3. *And be it enacted*, That any hospital or hospitals which may be provided under the provisions of this act, shall be in charge and under the control of the board of commissioners of the incorporated town which acquires land and provides hospital buildings as aforesaid, but when the boards of commissioners of two or more in-

How control of hospital shall be exercised.

corporated towns, or the boards of commissioners of one or more incorporated towns, with one or more townships, jointly provide a hospital as any board of commissioners of any incorporated town or incorporated towns are authorized to do in section two of this act, then such hospital shall be in charge and under control of the boards of commissioners of the two or more incorporated towns or the boards of commissioners of one or more incorporated towns, exercised jointly with the township committees of such township or townships as the case may be.

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

Approved March 22, 1895.

CHAPTER CCXCII.

An Act to extend the time for building and putting in operation certain street railways incorporated under an act entitled "An act to provide for the incorporation of street railway companies and to regulate the same," approved April sixth, one thousand eight hundred and eighty-six.

Time extended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever the time limited for the building and putting in operation of any street railway or any portion thereof authorized to be constructed under the act referred to in the title of this act shall expire during the year one thousand eight hundred and ninety-five, such time shall be and the same is hereby extended for a further period of one year.

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

Approved March 22, 1895.

CHAPTER CCXCIII.

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

Employes of lottery deemed guilty of misdemeanor.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That any person who shall knowingly be engaged as a messenger, clerk or copyist or in any other capacity in or about any office or room in any building where lottery slips or copies of numbers of lists of drawings of any lottery drawn or alleged to be drawn anywhere within or without this state shall be printed, kept or used in connection with the business of lottery or lottery policy, so-called, or any person who shall knowingly have in his or her possession any paper, document, slip or memorandum that shall pertain in any way to the business of lottery-policy, so-called, shall be deemed guilty of a misdemeanor and on conviction thereof shall be punished by a fine not exceeding two hundred dollars or imprisonment not exceeding two years, or both.

Penalty.

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

Approved March 22, 1895.

CHAPTER CCXCIV.

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.

Section to be amended.

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

How board of trustees shall be constituted and appointed.

4. *And be it enacted*, That there shall be a board of trustees of each of such schools, which shall consist of the governor and the mayor or other chief executive officer of the city, town or township in which such school is located, as ex-officio members, and eight other persons to be chosen and appointed by the governor as follows: within thirty days after the passage of this act the governor shall choose and appoint eight persons, resident in the city, town or township in which such school is located, as members of such board of trustees for the following terms, two for the term of one year, two for the term of two years, two for the term of three years, and two for the term of four years; and thereafter two trustees shall be appointed in like manner each year for a full term of five years; and the official terms of all trustees in office at the time of the passage of this act shall terminate and expire upon the making of the appointments aforesaid, and the trustees appointed hereunder shall take office immediately upon their appointment, and shall continue in office until their successors are appointed, and any vacancy that may occur in the said board of trustees shall be filled by appointment in like manner for the unexpired term only; the said board of trustees shall have control of the buildings and grounds owned and used by such schools,

Terms of office.

Terms of existing trustees shall expire.

Trustees shall control buildings, funds, etc.

the application of the funds for the support thereof, the regulation of the tuition fees, the appointment and removal of teachers, the power to prescribe the studies and exercises of the school, and rules for its management, to grant certificates of graduation, to appoint some suitable person treasurer of the board, and to frame and modify at pleasure such by-laws as they may deem necessary for their own government; they shall report annually to the state and local boards of education their own doings and the progress and condition of the schools.

Repealer

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

Approved March 22, 1895.

CHAPTER CCXCV.

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

Section to be amended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section sixty-five of the act entitled "An act for the relief of creditors against absconding and absent debtors" be amended so as to read as follows:

Defendant and property may be released upon filing a satisfactory bond.

65. *And be it enacted*, That it shall be lawful for the defendant in any attachment issued by a justice of the peace, on or before the day appointed for the hearing of the said cause, to file with the said justice a bond to the plaintiff, executed by one or more sufficient sureties, being freeholders and resident in the county in which such attachment shall issue, in double the amount of the claim of the plaintiff, as set forth in the affidavit

filed with said justice, conditioned for the due and safe return of the goods and chattels, rights and credits, moneys and effects seized and taken by virtue of such writ of attachment, in case judgment shall be rendered for the plaintiff; which said bond shall be approved by the said justice, and filed by him for the use and benefit of the plaintiff; and thereupon the property attached shall be restored to the defendant and released from the lien of said attachment.

Section to be amended.

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

Defendants shall file plea, etc.

66. *And be it enacted*, That after filing the said bond the said defendant shall file his plea, copy of account or set-off, if any he have; and the said cause shall and may be adjourned and conducted in all things in like manner as if the same had been commenced by summons, under the act entitled "An act constituting courts for the trial of small causes;" and either party may appeal from the said judgment in like manner, in every respect, as if the said suit had been commenced by summons under the said last-mentioned act, and in case the defendant shall fail to file his bond on or before the day appointed for the hearing of the cause, he nevertheless may appeal from the said judgment upon giving bond as aforesaid; and thereupon the property attached shall be restored to the defendant and released from the lien of the said attachment.

Either party may appeal.

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

Approved March 22, 1895.

CHAPTER CCXCVI.

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

Certain household goods and furniture exempted from seizure.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the household goods and furniture of every kind, not exceeding in value the sum of two hundred dollars, of any absconding debtor having a family residing in this state, shall be reserved for the use of his family, and shall not be liable to be seized or taken by virtue of any writ of attachment or civil process whatever issued out of any court of this state, except the said writ of attachment shall have been issued on a debt or demand for which said household goods shall have been sold and delivered; *provided*, that nothing herein contained shall be deemed to apply to process issued for the collection of taxes.

Proviso.

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

Approved March 22, 1895.

CHAPTER CCXCVII.

A Further Supplement to an act entitled "An act to provide additional accommodations for the insane of this state," approved March thirty-first, one thousand eight hundred and seventy-one.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That "the board of

Managers of Morris Plains asylum authorized to erect additional buildings.

managers of the state hospitals" be and they are hereby authorized to erect on the land owned by the state at Morris Plains an additional building or buildings of sufficient size to accommodate six hundred patients, and to procure such furniture and apparatus for the same as may in their opinion be requisite and necessary; and also to make such sanitary improvements in the present buildings of the New Jersey state hospital at Morris Plains as they shall deem advisable.

May appoint architects, etc., and erect buildings, purchase furniture, etc.

2. *And be it enacted*, That the said board of managers may appoint and employ architects, superintendents and such other persons as may be necessary for the successful prosecution of said work; may erect said buildings and make said improvements and purchase such furniture and apparatus by contract or otherwise as they may deem for the best interests of the state, and may advertise for proposals for doing the whole or any part of the work hereby authorized, if they consider it best to have the same done by contract, and may incur all expenses necessary to carry out the provisions of this act; and they are hereby authorized to spend the sum of one hundred and twenty-five thousand dollars, or so much thereof as may be necessary in the prosecution of said work and for the purposes hereinafter specified.

May construct and operate a water system.

3. *And be it enacted*, That the said board of managers be and they are hereby authorized to construct, maintain and operate upon the lands now owned by the state at Morris Plains, or upon any other lands in the county of Morris which may be acquired by them for the purpose by purchase or condemnation, a system of water works, including such works as may be necessary for gathering and storing water and protecting the sources of supply from contamination and such other works as in the opinion of said board of managers shall be necessary, proper and sufficient to furnish an adequate supply of pure and wholesome water for the buildings now standing upon the land of the state at Morris Plains, and for such buildings as may hereafter be constructed upon said lands, either under the authority of this act or of any other act, and for the use of the patients and occupants of said buildings and the persons employed therein.

May utilize streams and springs and maintain conduits, etc.

4. *And be it enacted*, That it shall be lawful for the said board of managers to purchase such lands as may be required to carry out the provisions of this act and necessary for the construction, maintenance and operation of said water works, and also the right to take and divert, either in whole or in part, the water of any spring or springs, stream or streams in said county of Morris, and the right to build and maintain any pipes, conduits, feeders, ditches, surface drains and other works upon any lands in said county, taking title to the same in the name of the state of New Jersey, or to take and acquire such lands, rights and privileges by condemnation proceedings in the manner hereinafter set forth.

May condemn lands, rights and privileges.

May enter upon lands for exploration, examination and survey.

5. *And be it enacted*, That it shall be lawful for the said board of managers, and their agents and servants, before such purchase or condemnation, to enter upon any and all lands in the neighborhood of the New Jersey state hospital at Morris Plains, and to make such preliminary examinations, explorations and surveys as may be necessary in their opinion for the purposes of this act and for laying out a system of water works for the purpose aforesaid, doing thereby as little damage as possible to the owner or owners of said lands.

Proceedings in condemnation.

6. *And be it enacted*, That in case the said board of managers cannot agree with the owner or owners of any lands which are necessary to be taken to carry into effect the provisions of this act, or from which it is necessary to take or divert either in whole or in part any spring or springs, stream or streams of waters, or upon which it is necessary to construct or maintain any pipe, conduit, feeder, ditch, drain or other works, as to the amount of compensation or damages to be paid to such owner or owners for such taking, use, occupation or diversion, or if by reason of the absence or legal incapacity of such owner or owners, or any of them, or by reason of said owner or owners of any of them being unknown, no such agreement can be made, the said board of managers may apply by petition in writing to any justice of the supreme court of this state, which petition shall contain a description of the lands, rights and privileges so required to be taken, with the name

or names of the owners, occupants and other parties interested, so far as known, and of their place or places of residence, if the same can be ascertained, and thereupon the said justice shall cause notice to be given to said owners, occupants and persons interested, if known and in this state, for at least two weeks, or if said owners, occupants or persons interested, or any of them, are unknown or out of this state, or cannot be found therein, such notice shall be published in one of the newspapers of said county of Morris for not less than ten days in such manner as said justice shall direct, and said justice shall assign a particular time and place for the hearing of said application, which time and place shall be specified in said notice, at which time and place, or at some other time and place to which the matter may be adjourned by said justice, and upon satisfactory evidence to him of the service or publication of said notice as by him directed, the said justice shall appoint, by writing under his hand, three impartial and judicious freeholders, residents of said county of Morris, as commissioners to examine the lands, springs and streams in question, and to appraise and assess the compensation and damages to be paid for the taking of said lands or of said rights and privileges, as the case may be, upon such notice to be given by said commissioners to the owners, occupants and persons interested as shall be directed by said justice, which notice shall be given for not less than ten days, and shall be served or published in such manner as said justice shall direct; and in case of the neglect or refusal of any one or more of the commissioners so appointed to attend and perform his or their duties under said appointment, the said justice shall have power, upon such notice to the said board of managers and to the owners, occupants and persons interested in said land, as he may prescribe, to appoint one or more other impartial and judicious freeholders, residents of said county of Morris, to act in place of the commissioner or commissioners so neglecting or refusing; and the said commissioners shall meet at the time and place by them appointed, and having first taken and subscribed an oath or affirmation before some person duly authorized to administer the same

Compensation and damages shall be assessed.

Justice shall have power to fill vacancies.

Commissioners shall qualify.

faithfully and impartially to examine the matter in qtestion, and to make a true appraisement and assessment therein, according to the best of their skill and understanding, they shall proceed to view and examine the said lands and premises, springs and streams in question, and hear the parties interested, and take evidence if any be offered, and for that purpose may administer oaths and affirmations to witnesses, and may adjourn from day to day and from time to time; and the said commissioners shall proceed to make a just and equitable appraisement and assessment of the compensation and damages to be paid to the said owners, occupants and persons interested for the lands, rights and privileges required as aforesaid, which appraisement and assessment, together with a description of said lands, rights and privileges, and the names of the owners, occupants and persons interested, shall be set forth in an award to be made in writing, under the hands and seals of the said commissioners, or any two of them, which award shall be filed within fifteen days thereafter, together with the petition to said justice, the order of appointment and the oaths or affirmations of said commissioners, in the clerk's office of said county of Morris, to remain of record therein; and thereupon and on payment or tender of payment of the amount of said appraisement and assessment to the party or parties entitled thereto, the said board of managers shall be empowered to enter upon and take possession of the lands and to use, exercise and enjoy the rights and privileges so required, and all title thereto for the purposes for which the same are taken, shall, upon such payment or tender, pass from the owners, occupants and parties interested to the state of New Jersey; and the said award shall be recorded by the clerk of said county in the record of deeds, and the same or the record thereof or a copy thereof certified by the clerk of said county, together with proof of the payment or tender of the amount of said appraisement or assessment, shall at all times be considered plenary evidence of the right of the state of New Jersey to have, hold, use, occupy, possess and enjoy the said lands, rights and privileges; or the said board of managers may, at

Parties interested may be heard

Award shall be made in writing.

Petition and award shall be filed.

Award shall be recorded.

Copy thereof shall be received in evidence.

the time of filing the said award, or at any time thereafter, pay the amount of said appraisement and assessment into the circuit court of said county of Morris, for the benefit of the owners, occupants and persons interested, to be paid out and distributed to and among the parties entitled thereto by the order of said circuit court, on the application of any one or more of said persons, on due notice to the others; and in case of such payment into court the title to said lands, rights and privileges shall pass to the state of New Jersey at the time of such payment; and the certificate of the clerk of said county that said amount has been so paid into court, together with said award or the record thereof, or a certified copy thereof, shall be considered as plenary evidence of the right of the state of New Jersey to have, hold, use, occupy, possess and enjoy the said lands, right and privileges; and any justice of said supreme court, upon the application of any party interested and a reasonable notice to the other party or parties, shall tax and allow such costs, fees and expenses to the said commissioners and to any other persons who may have performed any duties in the premises, as the said justice shall think equitable and right, and the same shall be paid by the said board of managers.

Persons aggrieved may appeal.

7. *And be it enacted*, That if the said board of managers or any owner, occupant or person interested in said lands shall feel aggrieved by the award of said commissioners, such party may appeal therefrom in respect to his, her or their interest therein to the next or second term of the circuit court of said county of Morris to be held thereafter, by petition in writing to said court, of which notice shall be given at least two weeks prior to such term, either by service upon the opposite party or by publication in one of the newspapers of said county of Morris, in such manner as said circuit court shall direct, which petition and notice so served or published shall vest in said circuit court full authority, power and jurisdiction to hear and determine the said appeal, and thereupon the said circuit court shall direct a proper issue to be framed between the parties, and the same shall be tried by a jury, and said court may order a jury to be struck for the trial of the same

Issue shall be tried by jury.

and a view of the premises to be had, and the said issue shall be tried upon the like notice and in like manner as other issues of the fact are tried in said court, and it shall be the duty of said jury to appraise and assess the compensation and damages to be paid for the taking of the lands, rights and privileges in question, or such part, share or interest therein as may be affected by said appeal; and the right of said board of managers to appeal from the appraisement and assessment of said commissioners shall not be waived or lost by paying or tendering to the parties entitled thereto or paying into court the amount of the award and taking possession of the land or exercising the rights and privileges described in said award; and the right of any owner, occupant or person interested to appeal in like manner shall not be waived or lost by the acceptance of the amount so awarded; nor shall any appeal, either by said board of managers or by the owners, occupants and persons interested, or any of them, prevent the said board of managers from taking possession of the land and exercising the rights and privileges covered by the award of said commissioners upon filing the said award and paying or tendering to the parties entitled thereto the amount thereof or paying the same into court, as hereinabove provided; and if any error in law or in fact be committed upon the hearing or determination of said appeal or in the giving of judgment thereon, the party aggrieved thereby may have a remedy in the same manner and upon the same terms as in the case of other trials and judgments in said court; and upon the final determination of any such appeal, the court shall render judgment in favor of the one party and against the other as the verdict of the jury and the right and justice of the case shall require, and shall order any moneys remaining in court to be disposed of in accordance therewith, and shall award to the party substantially succeeding and prevailing in said appeal his, her or their costs of said appeal, and order the same to be paid by the opposite party, and shall have power to enforce such judgment and order by execution in the same manner as other judgments of said court are enforced, or may take such summary proceedings, either

Jury may appraise and assess compensation and damages.

Rights of neither party invalidated.

Appeal on error of law may be had.

Court shall enforce judgment and order execution.

by attachment for contempt of said court or otherwise as shall be necessary to enforce the judgments and orders of said court in the premises.

State treasurer shall pay appropriation.

8. *And be it enacted*, That the several sums of money hereby appropriated shall be paid by the state treasurer out of any moneys in the state treasury not otherwise appropriated, upon warrants drawn by the comptroller from time to time as payments shall become due; said payments to be made on proper vouchers, approved and certified by said board of managers, or by such officer as they may designate for that purpose.

Managers shall report to legislature.

9. *And be it enacted*, That the said board of managers shall make to the legislature at its next session, and at each successive session thereafter until the said work and improvements are completed, a full and detailed report of their proceedings and expenditures under this act.

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

Approved March 22, 1895.

CHAPTER CCXCVIII.

A Supplement to an act entitled "An act constituting courts for the trial of small causes" [Revision], approved March twenty-seventh, one thousand eight hundred and seventy-four.

Appeals may be tried by jury.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in all cases of appeal from the judgment of any justice of the peace, it shall and may be lawful for either party to the appeal, upon giving notice in writing to the clerk of the court of common pleas of the county, on or before the first day of the term to which the appeal shall have been sent up, if the trial be had at that term, or if not, then on or before the first day of the term at which

such appeal shall be tried, to demand a trial of said appeal by jury, and upon receiving such notice said clerk shall file the same in his office, and the said appeal shall be tried by a jury, and the sheriff shall return a jury either immediately or at such future time as the said court shall direct, and that by order of the court and without writ.

Repealer.

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

Approved March 22, 1895.

CHAPTER CCXCIX.

An Act to amend an act entitled "A supplement to an act entitled 'An act to define and suppress tramps,' approved April nineteenth, one thousand eight hundred and seventy-six," which supplemental act was approved March twenty-fourth, one thousand eight hundred and eighty-one.

Section to be amended.

1. BE IT ENACTED, *by the Senate and General Assembly of the State of New Jersey*, That the said supplemental act be and the same is hereby amended so that henceforth said act shall be and read as follows, to wit:

Tramps may be held to labor.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That if any person shall be found offending in any county, city, township, borough or district in this state against this act, it shall and may be lawful for any constable or police officer of such place, and he is hereby enjoined and required, on notice thereof given him by any of the inhabitants thereof, to apprehend and convey such person to a justice of the peace or other magistrate of such place, who shall examine such person, and may commit him or her,

being thereof legally convicted before him by the oath or affirmation of one or more credible witnesses other than the officer making the arrest, to labor upon any county farm or upon the streets, roads and highways of any city, township or borough, or in any house of correction, poor-house, work-house or common jail, for a term not less than thirty days, nor exceeding six months; and shall forthwith commit him or her to the custody of the steward, keeper or superintendent of such county farm, house of correction, poor-house, workhouse or common jail, or to the supervisor or overseer of highways, street commissioners or any other officer or officers having in charge the repairs of any street, road or highway, or overseers of the poor of the respective county, city, borough or township wherein such person shall be found, as in their judgment shall be deemed most expedient.

Approved March 22, 1895.

CHAPTER CCC.

A supplement to an act entitled "An act to complete the geological survey of this state," approved March thirtieth, one thousand eight hundred and sixty-four.

Appropriation continued.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the annual appropriation of eight thousand dollars per annum for the completion of the geological survey of this state, made in the supplement to this act, which was approved May twelfth, one thousand eight hundred and ninety, be further continued for five years.

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

Approved March 22, 1895.

CHAPTER CCCI.

An Act to repeal a supplement entitled "A supplement to an act entitled 'An act concerning cities,' approved March eighth, one thousand eight hundred and seventy-seven," which supplement was approved April nineteenth, one thousand eight hundred and ninety-four.

Act repealed

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That an act entitled "A supplement to act entitled 'An act concerning cities,' approved March eighth, one thousand eight hundred and seventy-seven," which said supplement was approved April nineteenth, one thousand eight hundred and ninety-four, be and the same is hereby repealed.

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

Approved March 22, 1895.

CHAPTER CCCII.

An Act to amend an act entitled "An act concerning corporations," approved April third, one thousand eight hundred and eighty-nine.

Section to be amended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section one of an act entitled "An act concerning corporations," approved April third, one thousand eight hundred and eighty-nine, be and the same is hereby amended so as to read as follows:

Certain corporations may increase capital stock.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for any corporation organized or which may hereafter be organized under any law of this state, excepting always railroad and canal corporations, to increase its capital stock to such an amount as may be determined by its board of directors; *provided*, that such corporation shall, previous to the issuing of any share of stock representing the increase of its capital stock by this section authorized, file in the department of state a certificate, signed by its president, under its corporate seal, attested by its secretary, setting forth the amount of the proposed increase of capital and the number of shares into which the same is to be divided and the assent in writing to said proposed increase of stockholders owning at least two-thirds in value of the existing capital stock.

Proviso.

Directors may issue common stock.

2. *And be it enacted*, That it shall be lawful for the board of directors or trustees or managers of any such corporation having outstanding preferred or guaranteed stock to issue common stock to an amount equaling the total of said preferred and guaranteed stock; *provided*, that such issue of common stock shall in nowise prejudice or impair the rights of owners of such preferred or guaranteed stock; *and provided further*, that before the issue of any stock by this section authorized a certificate, under the seal of the corporation, setting forth the amount and date of such increase, shall be filed in the department of state.

Proviso.

Directors may control issue.

3. *And be it enacted*, That the issues of capital stock hereby authorized shall be made from time to time in such sums, in such manner and on such terms and conditions as the board of directors, trustees or managers of the corporation may determine.

Repealer.

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

Approved March 22, 1895.

CHAPTER CCCIII.

An Act to amend an act entitled "An act to amend an act entitled 'A further supplement to an act entitled "An act concerning corporations" [Revision], approved April seventh, one thousand eight hundred and seventy-five,' which said supplement was approved February twenty-fourth, one thousand eight hundred and ninety-two," which act was approved April twenty-fifth, one thousand eight hundred and ninety-four.

Section to be amended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the first section of an act entitled "An act to amend an act entitled 'A further supplement to an act entitled "An act concerning corporations" [Revision], approved April seventh, one thousand eight hundred and seventy-five,' which said supplement was approved February twenty-fourth, one thousand eight hundred and ninety-two," which act was approved April twenty-fifth, one thousand eight hundred and ninety-four, be and hereby is amended so as to read as follows:

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

Section to be amended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That upon the dissolution of any corporation organized under the act to which this is a further supplement, or any amendment or supplement thereto, the president and directors, acting as trustees to settle the affairs of said corporation, shall, in cases not already provided for by law, have power to meet and act under regulations to be fixed and determined upon by a majority of said trustees, and shall have power to determine when and how and where

the property, real or personal, of said corporation shall be sold, whether in parcels or as a whole, and shall sell all or any part for cash, or partly on credit, or take mortgages not exceeding fifty per centum of the purchase price secured by bonds, for part of the purchase price for all or any of said property, and to fix the terms and conditions of the sale of all or any part of said property; and when the distribution of the property in whole or in part shall be by allotment between the respective shareholders, deeds and suitable instruments of transfer of the lands, shares of stock and other property, so allotted or set off to each shareholder, shall be made and delivered by the trustees to each shareholder upon payment of the amount of his share of the expenses and indebtedness of said corporation as determined by said trustees; and upon the failure or refusal of any shareholder to pay the same, the said trustees shall have power to sell, at public sale, the lands, shares of stock and other property so allotted or set off to him, or so much thereof as shall be necessary to satisfy and pay said amount and the expenses of such public sale.

Repealer.

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

Approved March 22, 1895.

CHAPTER CCCIV.

A Further Supplement to an act entitled "An act for formation and government of boroughs," approved April second, one thousand eight hundred and ninety-one.

Certain boundaries declared to be lawful.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That when any borough shall heretofore have been organized or attempted to be organized under and by virtue of the provisions

of the act to which this is a supplement, and the territorial limits and boundaries of any such borough shall have been duly fixed and determined in accordance with the provisions of said act in the petition for such incorporation, without any action or decision with reference to such boundaries upon the part of the judge to whom such petition for incorporation shall have been presented, then and in such case the said territorial limits and boundaries of any such borough so organized or attempted to be organized shall be taken, and the same are hereby declared to be the lawful territorial limits and boundaries of such borough; *provided*, that no act has heretofore been passed by the legislature affecting said territorial limits and boundaries by the creation of new municipalities or otherwise.

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

Approved March 22, 1895.

CHAPTER CCCV.

An Act concerning the tenure of office of city marshal in cities of the third class.

Term of office prescribed.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the term of office of the city marshal hereafter elected in any city of the third class shall be three years.

Repealer.

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

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

Approved March 22, 1895.

CHAPTER CCCVI.

A Further Supplement to an act entitled "A further supplement to an act entitled 'An act respecting bridges' [Revision], approved April tenth, one thousand eight hundred and forty-six," which supplement was approved April eighteenth, one thousand eight hundred and eighty-nine, and which further supplement was approved April twenty-first, one thousand eight hundred and ninety.

Section to be amended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the supplement to an act approved April twenty-first, one thousand eight hundred and ninety, entitled "A further supplement to an act entitled 'An act respecting bridges' [Revision], approved April tenth, one thousand eight hundred and forty-six," shall be and the same is hereby amended so as to read as follows:

Section as amended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That where any stream, creek or river shall be the dividing line between any two or more counties of this state, the boards of chosen freeholders of said counties shall erect, rebuild, maintain and keep in repair suitable bridge or bridges across the waters, water-way or water-ways of such streams, creeks or rivers, at the joint expense of such counties, whether the waters of such stream, creek or river shall flow in one or more separate channels or water-ways; *provided, however*, that in case it shall be necessary to erect a bridge or bridges at a point on such stream, creek or river where the same shall flow in two or more channels or water-ways, the place where said stream, creek or river divides shall not be more than five hundred yards from the place where said channels or water-ways shall again join and flow as one channel

Proviso.

or water-way; *and provided, further*, that this act shall not apply to any bridges over any stream, creek, river, water-way or channel that has been caused by the erection of any mill or mills for waste-waters or race-ways from and to the same; *provided, however*, that said mill or mills and such stream, creek, river, water-way or channel caused by the erection of said mill or mills for waste-waters or race-ways to and from the same, shall be in the same county. Proviso. Proviso.

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

Approved March 22, 1895.

CHAPTER CCCVII.

A Further Supplement to an act entitled "An act to establish and regulate pilots for the ports of Jersey City, Newark and Perth Amboy, by the way of Sandy Hook," approved April seventeenth, one thousand eight hundred and forty-six.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the sum of twelve hundred dollars shall be the annual appropriation for the state board of commissioners of pilotage, to be expended by them in defraying the expenses of the enforcement of the laws in relation to obstructions in the channels and harbors, and to prevent the dumping of mud and other refuse matter in obstructing navigation, and for such other purposes as they may deem advisable and as they may direct. Amount appropriated.

2. *And be it enacted*, That the treasurer of this state is hereby authorized, upon the warrant of the comptroller, to pay to the president of the board of pilot commissioners, from any money not otherwise appropriated, the sum provided for in the first section of this act. Treasurer authorized to pay.

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

Approved March 22, 1895.

CHAPTER CCCVIII.

A 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 therein and defining the powers and duties of such municipal boards, and relating to the municipal affairs and departments of such cities placed under the control and management of such boards and providing for the maintenance of the same," approved March twenty-eighth, one thousand eight hundred and ninety-one.

Commissioners authorized to construct sewers and drains.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the board of street and water commissioners in cities of the first class in this state shall have full power to construct and build in such cities at one time and as one improvement sewers or drains in two or more streets or highways, avenues or other public places, provided such sewers or drains so constructed have a common outlet or empty either directly or through each other into the same sewer.

Proposals may be received for a part or the whole of the work.

2. *And be it enacted*, That in advertising for bids or sealed proposals for the building and constructing of such sewers or drains, the board of street and water commissioners may in its discretion ask for bids or receive proposals, either for the work as a whole or for the work in such sections or parts as to it may seem proper and for the best interests of the city.

Proceedings for making assessments for benefits.

3. *And be it enacted*, That in all the proceedings for the levying or making of assessments for special bene-

fits upon lands benefited by said sewers or systems of sewers, and in all matters relating to the payment of said assessments, and in all matters relating to the payment of contractors therefor, the same procedure shall be observed as is now required by law in case of the building or constructing of a sewer or drain in a street or highway of such city.

Proceedings in case of protest.

4. *And be it enacted*, That in case a protest against the construction or building of such sewer or system of sewers, signed by owners of property representing a majority of the lineal feet of frontage along said sewer or system of sewers, is presented to said board of street and water commissioners, then and in that case the ordinance or other proceeding for the building of such sewer or system of sewers shall require the affirmative vote on its final passage of at least four-fifths of the members of said board.

How this act shall be construed.

5. *And be it enacted*, That nothing herein contained shall be construed to dispense with the concurrence of any board now required by law to concur in any proceeding relative to the creating of liens of assessments for special benefits on lands benefited thereby.

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

Approved March 22, 1895.

CHAPTER CCCIX.

A Supplement to an act entitled "An act to secure to creditors an equal and just division of the estate of debtors who convey to assignees for the benefit of creditors" [Revision], approved March twenty-seventh, one thousand eight hundred and seventy-four.

Time for presenting claims may be limited.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the orphans' court of any county in this

state in which the debtor who has made a conveyance to assignee or assignees under the provisions of the act to which this is a supplement resides, upon the application of such assignee or assignees to make an order fixing a time not less than four weeks from the date of said order, requiring creditors to present their claims against the said debtor under oath or affirmation to the said assignee or assignees, or else to be forever barred from coming in for a dividend of said estate, unless by special order of the said court on an application made to it for that purpose; *provided, however*, notice of said order shall be published in some newspaper, designated in and by said order of the court for such time as may be therein designated, which shall not be less than three weeks before the expiration of the time limited in and by said order.

Proviso.

Assignee shall file claims.

2. *And be it enacted*, That within thirty days after the time limited for the presentation of claims as aforesaid, the said assignee or assignees shall file in the office of the surrogate of the county a true list of all the claims which had been presented, to him or them, as provided in the foregoing section which said list of claims shall be verified under oath or affirmation.

Court may order sale and conveyance of property.

3. *And be it enacted*, That it shall and may be lawful for the said orphans' court, upon application being made to said court by said assignee or assignees, to order a sale and conveyance of any of the property of said debtor, either public or private, as may seem in the judgment of said court best for the interest of said estate, and the giving of good and sufficient conveyance in the law therefor, and authorizing and empowering the said assignee or assignees to take such steps as to the care, management and disposition of said assigned estate as a court of equity might do if the same had been in the custody and management of a receiver appointed by said court.

Repealer.

4. *And be it enacted*, That all acts and parts of acts inconsistent with this act be repealed, and this act take effect immediately.

Approved March 22, 1895.

CHAPTER CCCX.

An Act concerning assessments for benefits for street improvements in boroughs in this state, and providing for a new assessment or new assessments.

Proceedings when assessments have been set aside after improvements have been made.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in all cases where any assessments for benefits conferred by the improvement of any street or streets, or any part of any street in any borough in this state, has or have been or shall be reversed or set aside on removal by certiorari or other process, and such improvement shall have been actually made in the manner provided by the act under which such borough is or shall be incorporated, it shall be the duty of such board, body, commissioners or committee as is or shall be vested with power to make an original assessment for benefits for like improvements by the act under which such borough is or shall be incorporated, to make new assessment or assessments of the several amounts which each property adjoining the said street, streets or portion of street upon which such improvement has been made, has been benefited by such street improvement, and file such assessment or assessments with the clerk of such borough, whereupon the same shall become a lien upon the property or properties so assessed in the same manner and with like effect and enforceable in the same manner as is provided by the act under which such borough is or shall be incorporated, or any act appropriate thereto, in case of an original assessment for like improvements.

Repealer

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

Approved March 22, 1895.

CHAPTER CCCXI.

Supplement to "An act respecting the orphans' court, and relating to the powers and duties of the ordinary and the orphans' court and surrogates," approved March twenty-seventh, one thousand eight hundred and seventy-four.

Unnecessary in certain cases to file inventory of estate.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall not be necessary for any executor or administrator, under any last will and testament heretofore made, or which may hereafter be made, who is entitled to all the personal estate of the testator after payment of debts and specific bequests, legacies or trusts, to file an inventory or settle his accounts in the surrogate's office, unless required so to do as hereinafter set forth; *provided*, such executor or administrator shall, within one year after probate of said will, or such further time as the orphans' court of the county in which said will was proved, shall for good cause shown allow record in the surrogate's office of the county in which his letters testamentary or of administration with the will annexed shall have been granted, full receipts, releases and discharges from the persons entitled to such specific bequests, legacies or trusts, or satisfactory proof by affidavit that such specific bequest or legacy has been paid or transferred and delivered to said legatee, or his or her attorney or agent; *and provided further*, that any person interested in the estate may apply to the orphans' court of the county wherein said will may have been or may be proved; and upon such application such court, on notice given to said executor or administrator in the manner directed by the court, and on consideration of the circumstances of the case, may make order requiring said executor or administrator to file an inventory and to settle his accounts, and thereupon said executor or administrator

Proviso.

Proviso.

shall proceed and file an inventory and settle his accounts in the same manner as other executors or administrators are or may be required by law to do; *and provided further*, that all the powers and authority granted by this act to the orphans' court may be exercised by the ordinary in cases where the will shall be admitted to probate or letters of administration with the will annexed granted by him.

Repealer.

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

Approved March 22, 1895.

CHAPTER CCCXII.

An Act concerning cities.

City council in certain cases may take and accept land for altering and widening streets.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the city council of any city in this state whose charter and no general law applicable thereto does not provide for the alteration or widening of streets, upon the written request of the majority of the properties fronting on any street or any square proposed to be altered or widened, by ordinance to alter or widen any street or alley already laid out and opened within said city and to take and appropriate for such purposes any lands and real estate upon making compensation to the owner or owners thereof, as is hereinafter mentioned and provided; and they may, at their discretion, by ordinance, accept such lands as may be dedicated by the owner thereof as public streets or alleys, and thereupon shall be bound to keep up, repair and maintain the same to the same extent that they may be bound to keep up, repair and maintain streets or alleys laid out by other legal proceedings.

2. *And be it enacted*, That whenever the city coun-

Shall make compensation therefor.

cil shall determine, by ordinance, as aforesaid, to alter or widen any street or alley, or any part of a street or alley, and to take and appropriate for such purpose any lands or real estate, they are hereby authorized to treat with the owner or owners thereof, and make such compensation therefor as they shall judge reasonable, and thereupon shall receive from such owner or owners a conveyance of such lands and real estate to the city, and such compensation shall constitute a part of the whole amount of costs, damages and expenses to be assessed under and in pursuance of the provisions contained in this act.

In certain cases assessors may estimate and assess damages.

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

Amount of assessments and agreements to be assessed upon the property.

distinguished on the city atlas, together with the name of the respective owner or owners thereof, and the amount assessed on each lot, which said assessment shall be embraced in the report of the said board of assessors hereinafter directed to be made; and in case where the city council shall agree with the owner or owners of such lands as to the compensation therefor the board of city assessors shall make their estimate for damages in accordance therewith.

How the estimate and assessment shall be made and reported.

4. *And be it enacted*, That in making every assessment required to be made by the provisions of this act when any land or real estate is taken or condemned, the said board of assessors shall first estimate and assess in the manner herein required, the damages sustained by the owner or owners of the lands and real estate taken therefor; and after having ascertained the amount of such damages they shall declare in their report thereof the cost and expense incurred, which shall include the damages awarded, and they shall thereupon at once proceed to make an estimate and assessment of the benefits conferred by the said improvement, as required herein, and they are hereby authorized to declare the damages awarded and benefits assessed in one report, or they may make their report of the damages and benefits separately, as they may deem best.

Report when ratified shall be binding.

5. *And be it enacted*, That after the filing of any such report, the same shall be at the next meeting of the city council presented by the city clerk, and the same being ratified by the city council shall be binding and conclusive upon the owner or owners of any such lands and real estate; and the lands condemned for any such improvement shall thereupon be and become the property of the city for the purposes for which the same are condemned; *provided*, *however*, that any person or persons conceiving himself, herself or themselves aggrieved by the proceedings of the said city council or of the said board of assessors in making an estimate and assessment of damages may appeal therefrom to the supreme court of this state within thirty days after the time of the making of the final order of the city council confirming the said report; and the supreme court shall order a trial by jury to assess the damages sustained by

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the aggrieved party, the trial whereof shall be conducted as in other cases of trial by jury; and the said court shall have power to order an issue framed and proper proceedings to be had for this purpose.

Assessment may be sued for.

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

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Treasurer shall tender and make payment.

7. *And be it enacted*, That the city treasurer shall, under the directions of the city council, tender and pay the owner or owners of such land and real estate, if resident in the said city, the amount of such estimate and assessment of damages due him or them, and if any such owner is not resident in said city, or on due inquiry cannot be found therein, or is a lunatic or idiot or under age, or if for any other lawful cause is incapacitated to receive the same, or if such owner will not receive the same and sign a proper voucher therefor when tendered, then the said treasurer shall make affidavit of such fact and file the same with the city clerk; and the city council shall thereupon direct the amount of such assessment so due as aforesaid to be placed in the city treasury for the use of the person or persons to whom it may due; and the said moneys so placed in the city treasury

Proceedings when owner is incapacitated or cannot be found.

shall be paid by such city to the person or persons entitled thereto on demand, but without interest, except from the time demand is made and payment after demand refused.

Persons interested may be heard.

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

Objections to report may be filed.

Unpaid assessments unpaid after notice shall bear interest and be a first lien.

9. *And be it enacted*, That upon the ratification of any such assessment of benefits the report thereof shall be transmitted immediately to the officer charged by law with the collection of taxes, and it shall be the duty of such officer thereupon to give notice, in two of the newspapers published in said city, that such assessments have been duly returned to him for collection; all such assessments shall draw interest from the date of confirmation at the rate of seven per centum per annum, and, with the costs of collection, shall be and become, from the date of confirmation, a first and paramount lien upon the lands and real estate so assessed, which lien shall remain until such assessment is paid.

Owners shall be notified.

10. *And be it enacted*, That it shall be the duty of the collector of taxes to whom any such assessment shall have been returned, in addition to the publication of the return thereof to him for collection as herein provided, as far as practicable, to cause a notice to be given to every person assessed of the amount of assessment so made against him or her, with the costs which

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

Failure to give notice shall not invalidate assessments.

Property may be sold for assessments.

Sales shall be advertised.

Terms and conditions of sales.

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shall, within six months after such sale, pay to the purchaser, his executors, administrators or assigns, the amount of money so paid by him to said city, with the amount paid for any improvements made thereon, and all taxes paid by such purchaser, with interest at the rate of twelve per centum per annum, such owner, or person having an estate therein, or mortgagee, as the case may be, shall be entitled to re-enter and repossess the said lands and real estate, and hold the same and have such rights therein as if the said sale had not been made.

How assessments for special benefits shall be paid.

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

Assessments shall be made on lots as recorded in city atlas.

12. *And be it enacted*, That all assessments upon lot owners in said city, which may be made for any purpose authorized by this act, or to be authorized by law, shall be made upon the lots or subdivisions of lots as they stand recorded on the city atlas; and in advertising the same for such assessment or for taxes, or in entering liens thereon, it shall be sufficient to describe said lot or subdivisions of lots by the letters and numbers and streets by which they are distinguished on the city atlas, together with the name or names of the owner or owners thereof, as the same appears in the register by the city surveyor; if in any case the name of the owner or owners is unknown, and cannot be ascertained, such assessments may be made against the lots as so designated, with the declaration that the owner's name is unknown.

When judgment or assessment has been set aside new assessment shall be made.

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

Council may institute proceedings when assessment is set aside.

14. *And be it enacted*, That whenever, by reason of any informality or illegality in any proceedings of the said city council or of the board of city assessors, surveyor or other agent of the city council or official of the city, in altering or widening a street or alley, any assessment shall be set aside by judicial authority, it shall be lawful for the city council to reinstitute the proceedings set aside, upon the same basis upon which the original proceedings were based, or otherwise if they see fit so to do, and lawfully proceed therein the same as though the former proceedings had not been had, or the said city council may reinstitute said proceedings from the point where such informality or illegality may have been so decreed, and whenever the city council shall discover that any such proceedings are liable to be set aside by judicial authority, they may reinstitute said proceedings from the point where such informality or illegality commences, and no assessment shall be deemed invalid in consequence thereof, but no writ of certiorari shall be allowed or issue to remove any assessment made upon the owner or owners of lands or real estate for any work or improvement made or to be made, unless the same be applied for within sixty days after the confirmation of such assessment by the city council of such city.

Assessor interested not competent to assist.

15. *And be it enacted*, That whenever any public improvement shall be made, or ordered to be made, under the provisions of this act, and the expense thereof ordered to be assessed by the board of city assessors,

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

A majority of competent assessors may make report.

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

Approved March 22, 1895.

CHAPTER CCCXIII.

An Act to validate and confirm proceedings for the formation of borough commissions, had and taken under the provisions of an act entitled "An act for the formation of borough commissions," approved March seventh, one thousand eight hundred and eighty-two.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That no proceedings had or taken for the formation of a borough commission, under the provisions of an act entitled "An act

No proceedings shall be invalidated because certain formalities have not been complied with.

for the formation of borough commissions," approved March seventh, one thousand eight hundred and eighty-two, and the acts amendatory thereof or supplemental thereto, shall be taken or held to be invalid or inoperative because the clerk and two inspectors appointed by the freeholder of any township to conduct an election for the purpose of ascertaining whether a majority of the legal voters of said proposed borough commission are for or against the formation of a borough commission, shall have failed or neglected to file with the clerk of the county wherein said borough commission is situated a certificate setting forth the result of said election, and the number of votes cast for or against the formation of said borough commission, as in section three of said act is directed; *provided, however*, that this act shall only apply to borough commissions which have been in existence, exercising all the functions as such for a period of over nine years from the time the election was held wherein a majority of the voters of said proposed borough commission voted in favor thereof.

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President of board of commissioners may make and file result.

2. *And be it enacted*, That it shall be lawful for the president of said board of borough commissioners to file with the clerk of the county in which said borough commission is situated a certificate embracing the results of said election under which said borough commission was formed, and all other matters which said original certificate should have contained, which said certificate shall be sworn to by the president of said borough commission and attested by the secretary thereof, and when so filed shall for all the intents and purposes of said act be treated as and take the place of the certificate which should have been filed immediately after the election authorizing the formation of said borough commissions.

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

Approved March 22, 1895.

CHAPTER CCCXIV.

A Supplement to an act entitled "An act for the preservation of clams and oysters" [Revision], approved April fourteenth, one thousand eight hundred and forty-six.

Unlawful to take from natural beds clams below a certain size.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That from and after the passage of this act, it shall be unlawful for any person or persons to take from the natural beds beneath the waters of this state, by means of boats, tongs, dredges, rakes or otherwise, any clams the shells of which will measure less than one and one-half inches in length; and every person so offending shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine of not less than twenty-five dollars nor more than one hundred dollars, at the discretion of the justice before whom the case is brought.

Penalty.

Or to buy or sell or offer to sell the same.

2. *And be it enacted*, That any person or persons buying, selling, or offering to buy or sell, any clams the shell of which will measure less than one and one-half inches in length shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than twenty-five dollars nor more than one hundred dollars, at the discretion of the justice before whom the action is brought; and that the oyster commissioners of their respective districts are hereby empowered to make all necessary arrests for violations of the provisions of this act.

Commissioners authorized to arrest offenders.

Repealer.

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

Approved March 22, 1895.

CHAPTER CCCXV.

An Act concerning the care and custody of infants.

When custodians of children are immoral or unfit, chancellor may afford relief.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That when the parents of any minor child or children, or the parent or other person or persons having the actual care and custody of any minor child or children, are grossly immoral or unfit to be entrusted with the care and education of such child or children, or shall neglect to provide such child or children with proper protection, maintenance and education, or are of such vicious, careless or dissolute habits as to make such child or children chargeable or likely to become chargeable to any township, borough, city or other municipality in this state, it shall and may be lawful for any person or persons interested in the welfare of said child or children, to present to the chancellor, the supreme court of this state, or any justice of the supreme court, a petition setting forth the facts in the case, duly verified by affidavit, and praying that the said child or children may be brought before said chancellor, supreme court or supreme court justice, as the case may be, and for further relief under this act.

Proceedings to appoint other custodians.

2. *And be it enacted*, That upon presentation of such petition, an order shall issue addressed to the parents or parent or other person or persons in whose care or custody said infant, child or children may be, and also to the said child or children, requiring their appearance at such time and place as shall be designated in the order, to answer said petition and to abide the order of the court; said order shall be served in such manner, whether by personal service, mailing, publication or otherwise, as in said order shall be directed, and said order may further direct that a copy or copies thereof be served upon any other person or persons named therein; at the time and place so appointed, or to which the hearing

may be adjourned, and upon proof of due and legal service of said order in the manner therein directed, which proof may be by affidavit of the person or persons serving the same, a summary examination shall take place before the said chancellor, supreme court or supreme court justice, and thereupon, upon proof of the material facts set forth in said petition to the satisfaction of said chancellor, court or justice, an order shall be made committing the said child or children to the care and custody of such person or persons who will accept the same, as the chancellor, supreme court or supreme court justice shall for that purpose designate and appoint, until such child or children, respectively, shall attain the age of eighteen years or the further order of the court; said order shall briefly set forth the grounds of granting the same and need not set forth the evidence nor the substance thereof; and said order may, in the discretion of the chancellor, court or justice granting the same, require the giving of a bond by the person or persons to whose care or custody said child or children may be committed, with such security and on such condition or conditions as to the said chancellor, court or justice shall seem proper.

Children may be committed to care of a society.

3. *And be it enacted*, That the chancellor, court or justice before whom proceedings shall or may be conducted under this act, may in lieu of committing such child or children, as in the last preceding section specified, commit such child or children to the care and custody of any society for the prevention of cruelty to children duly incorporated under the act entitled "An act for the incorporation of societies for the aid of children and the prevention of cruelty to children," passed March fifth, one thousand eight hundred and ninety.

Repealer.

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

Approved March 22, 1895.

CHAPTER CCCXVI.

A Further Supplement to an act entitled "A supplement to an act entitled 'An act regarding proceedings on forfeited recognizances and appropriating the moneys arising from the same and from fines and amercements' [Revision], approved April fifteenth, one thousand eight hundred and forty-six," which supplement was approved March twenty-ninth, one thousand eight hundred and ninety-two.

Court may order return of forfeited recognizances

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever any person hath been or shall be bound by recognizance to the state of New Jersey, with condition for his or her appearance at the court of general quarter sessions of the peace, held or to be held in and for any county within this state, and said person hath not appeared or shall not appear for any cause, agreeably to the condition of such recognizance and said recognizance hath been or shall be forfeited and the amount thereof paid in the county treasury of said county and in accordance with law, and said person so bound by said recognizance has appeared or shall appear before said court to answer unto the charge or indictment pending against him, after such recognizance shall have been declared forfeited, it shall and may be lawful for the court of general quarter sessions of the peace in and for said county in its discretion to direct and order the return of the moneys so paid or to be paid upon said forfeited recognizance, and thereupon it shall be the duty of the county collector or treasurer of such county to repay the amount of such recognizance, less the taxed costs on the proceedings to forfeit said recognizance, to recognizor or recognizors who shall have paid the same into the county treasury, provided application shall be made

to said court within two years after such recognizance shall have been declared forfeited.

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

Approved March 22, 1895.

CHAPTER CCCXVII.

A Further Supplement to an act entitled "An act respecting the orphans' court and relating to the powers and duties of the ordinary and the orphans' court and surrogates," approved March twenty-seventh, one thousand eight hundred and seventy-four.

In certain cases ordinary may make allowance for widow or children and to pay expenses.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in all cases where any contest has arisen or shall arise, in any court of this state, touching the probate of any paper purporting to be the last will and testament of any person, it shall and may be lawful for the ordinary, upon petition made for that purpose by the widow of such deceased person, or by any child or children of the deceased (and, if any such child or children be within the age of twenty-one years, then by the next friend of such child or children), to make an order upon the person or persons having custody of such estate, for the payment of such allowance for the support and maintenance of such widow or of such child or children, out of the income of the estate of such deceased person, as the ordinary may deem just, pending such contest, and such further allowance out of the income, or if need be, out of the corpus of such estate as may be necessary to meet the expenses incurred or to be incurred in conducting such contest concerning the probate of such will; *provided*, that the person hereinabove described as a widow shall have been ceremonially married to the

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deceased person, and shall have been living with him as his wife at the time of his death; and the ordinary shall prescribe such rules to secure a summary hearing and relief upon such petition as he may deem necessary.

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

Approved March 22, 1895.

CHAPTER CCCXVIII.

An Act to repeal the joint resolution entitled "Joint resolution authorizing the governor to provide for the thorough ventilation of the senate chamber and committe-rooms, and to appropriate money to defray the cost and expense thereof," approved March twenty-third, one thousand eight hundred and ninety-two.

Joint resolution repealed

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the joint resolution entitled "Joint resolution authorizing the governor to provide for the thorough ventilation of the senate chamber and committee-rooms, and to appropriate money to defray the cost and expense thereof," approved March twenty-third, one thousand eight hundred and ninety-two, be and the same is hereby repealed, and that this act shall take effect immediately.

Approved March 22, 1895.

CHAPTER CCCXIX.

An Act to amend an act entitled "An act concerning corporations," passed March second, one thousand eight hundred and eighty-two.

Section to be amended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section one of the act entitled "An act concerning corporations," passed March second, one thousand eight hundred and eighty-two, be amended so as to read as follows:

Section as amended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in all cases where the bonds of any corporation created by or organized under any act of the legislature of this state have been issued and which bonds are due or about to become due or may be paid by such corporation at its option, it shall be lawful for the board of directors of such corporation to increase its capital stock in order to provide means for the payment of such bonds, and for that purpose to issue and sell the shares of such increase of capital stock for cash only, and in such manner as they deem best, at a price not below the par value of such shares; but no greater number of shares shall be issued or sold than shall be sufficient to raise an amount sufficient for the payment of the principal sums secured by the said bonds and the interest accrued thereon; and certificates of stock shall be issued to the purchaser of such additional shares, upon payment in cash of the purchase price thereof, and the holders of the said shares of the increased capital stock hereby authorized, shall possess and exercise the same rights and privileges in all respects as are possessed and exercised by the holders of the other shares of the capital stock of said corporation, and the proceeds of the sale of the shares representing such increase of capital stock

shall be applied to the payment of such outstanding bonds as aforesaid, and to no other purpose whatever.

Section to be amended.

2. *And be it enacted*, That section two of said act shall be amended so as to read as follows:

Section as amended.

2. *And be it enacted*, That if like capital stock of any corporation shall be increased, as is authorized by the preceding section of this act, it shall be the duty of its president and secretary, within thirty days thereafter, to make a certificate under their respective oaths or affirmations, setting forth what bonds of such corporation have been paid by the proceeds of increased capital stock, and the number of shares of the increased capital stock thereof that have been issued for that purpose, and to cause such certificate to be filed and recorded in the office of the secretary of state of this state.

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

Approved March 22, 1895.

CHAPTER CCCXX.

An Act to amend the supplement to an act entitled "An act for the organization of the national guard of the state of New Jersey," approved March ninth, one thousand eight hundred and sixty-nine, which supplement was approved March seventeenth, one thousand eight hundred and ninety-three.

Section to be amended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the supplement to the act for the organization of the national guard, approved March ninth, one thousand eight hundred and sixty-nine, which supplement was approved March seventeenth, one thousand eight hundred and ninety-three, be amended so that the second section shall read as follows:

That the second section shall read, "That all surgeons, assistant surgeons and hospital stewards, commissioned or warranted, as officers of the national guard, and all other persons who may hereafter be commissioned or warranted as surgeons, assistant surgeons and hospital stewards, with specified rank, shall constitute a part of the medical department of the national guard, and shall be under the medical control and direction of the surgeon-general, and that the hospital and ambulance corps now attached to the headquarters of each brigade of the national guard shall be consolidated into one corps, which corps, including such persons as may hereafter become members of it, shall be known as the hospital and ambulance corps, and shall be under the direction and control of the surgeon-general, but they may be detailed or assigned to duty in connection with any organization or organizations of the national guard by the commander-in-chief or major-general when the said corps or any part of it so detailed shall be under the military direction of the commanding officer of the organization or organizations to which the said corps or a part thereof is assigned, and that all persons connected with this corps shall be regular members of the national guard and entitled to all the rights and privileges commonly accorded by law to members of the national guard."

Surgeons, assistant surgeons and hospital stewards shall constitute part of the medical department.

Hospital and ambulance corps—how constituted.

May be detailed for duty with other organizations.

2. *And be it enacted*, That the third section of the said supplement shall be amended to read as follows:

Section to be amended.

"That the commander-in-chief, on the recommendation of the surgeon-general, shall appoint one assistant surgeon-general, with the rank of colonel; one medical inspector, with the rank of lieutenant colonel; two hospital and ambulance corps officers, to have the immediate command of the hospital and ambulance corps, one with the rank of captain of cavalry, and one with the rank of first lieutenant of cavalry, all of whom shall be officers of the department medical staff and under the direction and control of the surgeon-general."

What officers shall be appointed to command the corps.

3. *And be it enacted*, That the fourth section of the said supplement shall be amended to read as follows:

Section to be amended

"That the surgeon-general or such other officer or

Corps may be enlisted.

officers of the national guard as may be authorized by him to act, may enlist a hospital and ambulance corps not to exceed sixty men; *provided*, that all persons who are now members of the hospital and ambulance corps shall continue to be members of that corps until discharged from the national guard services and that shall be included as a part of the sixty men authorized to be enlisted, no re-enlistment on their part shall be necessary; but as vacancies in the said corps may occur enlistments may be made to the full quota authorized, and that the surgeon-general may recommend to the commander-in-chief, to be warranted as a non-commissioned officer, one enlisted man for each six men enlisted in the said corps; these non-commissioned officers shall rank as sergeants, and any regular graduate of medicine or pharmacy, or student of medicine or pharmacy, enlisted in the said corps, may be warranted as a sergeant and designated as a medical cadet; *provided*, the number of authorized non-commissioned officers is not increased thereby, and that the state military board, on the recommendation of the surgeon-general, and with the approval of the commander-in-chief, shall have power to make such regulations as may be considered necessary for the military government, discipline and equipment of said corps.

Proviso.

Vacancies may be filled and other officers warranted.

Proviso.

Surgeon-general shall have power to make regulations.

4. *And be it enacted*, That there shall be a hospital and ambulance corps court-martial, appointed by the surgeon-general, consisting of one commissioned officer attached to the corps, and two sergeants or medical cadets; they shall hold sittings as may be directed by the surgeon-general; the commissioned officer shall be president of the court, and one of the members shall be appointed by the president as recorder; they shall have jurisdiction over the enlisted men of the corps, and shall have power to impose such fines and penalties as may be provided by order of the surgeon-general; an affirmative vote of the majority of the members of the court shall be necessary for conviction, of whom the commissioned officer must be one, but no member of the corps shall be expelled without the approval of the surgeon-general is had to the findings of the court.

Corps court-martial—how constituted.

Jurisdiction and powers of corps court-martial.

5. *And be it enacted*, That the fifth section of said supplement is hereby repealed. Section repealed.

6. *And be it enacted*, That the sixth section the said supplement shall be amended to read as follows: Section to be amended.

That there shall be paid to the quarter master-general by the proper state officer from state funds not otherwise appropriated on the first Monday of April of each year, the sum of one thousand dollars for the maintenance and support of the medical department of the national guard, including the hospital and ambulance corps; that this sum shall include the cost of purchase of uniforms and equipments for the hospital and ambulance corps, medicines, surgical instruments and dressings, ambulances, litters, medical chests and panniers and all other supplies necessary to the administration of said department, but no part of this appropriation shall be expended for commissary supplies, transporation, hire of animals for ambulances, or payment for military service; the quartermaster-general shall expend this appropriation only on the approval of the surgeon-general. Appropriation.

7. *And be it enacted*, That these amendments to the said supplement shall take effect immediately.

Approved March 22, 1895.

CHAPTER CCCXXI.

An Act respecting cities of the first class in this state and providing for the supervision of expenses of such cities by the mayors thereof.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That no warrant for the payment of money shall be delivered by any officer of any city of the first class in this state to any person, firm or corporation until such warrant and the bill or claim intended to be paid thereby shall have been presented to the mayor for his approval. Warrants and claims shall be presented to mayor for approval.

Duty of the mayor relative to approval or disapproval of warrants

2. *And be it enacted*, That it shall be the duty of the mayor of such city, within five days from the receipt of said warrant, if approved by him, to deliver the same to the auditor, comptroller or other officer entitled thereto, and if disapproved by him, to deliver the same to the officer or officers issuing said warrant, and forward the reasons for disapproval to the board ordering the bill or claim paid, and warrants when so disapproved shall be marked "canceled," and shall be further stamped "disapproved by the mayor," and the bills or claims for the payment of which said warrants were drawn shall thereupon be returned to the body or board ordering the payment of such bills, for further action thereon.

Body or board may pass bills over mayor's veto.

3. *And be it enacted*, That the said body or board shall have power by a majority vote of all its members to order the said bills so disapproved to be nevertheless paid, and in that case warrants shall be drawn for the same, and such warrants shall then be effective and be signed by the proper officers.

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

Approved March 22, 1895.

CHAPTER CCCXXII.

A Further Supplement to the act entitled "A further supplement to an act entitled 'An act to regulate elections,' approved April eighteenth, one thousand eight hundred and seventy-six," which supplemental act was approved May twenty-eighth, one thousand eight hundred and ninety.

Certain official envelopes legalized.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That any town meeting heretofore held or had in any township of this state at which the official envelopes provided and fur-

nished by the township clerk of such township have had indorsed on the face thereof the words "official envelope" instead of "official ballot," be and the same is hereby legalized, ratified and confirmed, any law to the contrary notwithstanding.

Election of certain officers confirmed.

2. *And be it enacted*, That the officers elected at such town meeting shall hold and possess their offices until the end of the respective terms to which they were elected in the same manner as they might have done if said envelopes had had indorsed thereon "official ballot."

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

Approved March 22, 1895.

CHAPTER CCCXXIII.

An Act concerning cities.

Council and railroad company may agree upon proportion of expense for improving street.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in any city of this state where a railroad company occupies and uses a part of any street for the purpose of local passenger traffic, and a part of the terms of such use by an agreement between said city by its authorities and said railroad company is the keeping of said street in repair by such company, and it is desired that said street shall be permanently improved by paving or otherwise, it shall be lawful for the city council of said city and said railroad company to agree upon the proportion of the cost and expense of making such improvement that shall be borne by said railroad company.

Council shall provide for improvements.

2. *And be it enacted*, That upon the making of such agreement between and by any city council and railroad company as aforesaid, it shall be lawful for the city council to pass an ordinance providing for the paving or otherwise permanently improving such street in

the manner agreed upon, and for this purpose the council shall have power to make necessary changes in the grade of said street; to contract for the making of said improvement, and do all and every act and thing necessary for the prompt completion of said improvement.

Council may cause special benefits to be assessed upon lands benefited.

3. *And be it enacted*, That it shall be lawful for the city council in every such case to cause so much of the cost, damage and expense of any public improvement made under the authority of this act as represents the special and peculiar benefit conferred upon the owners of land and real estate benefited thereby, to be assessed on such land and real estate in the manner provided in this act in proportion to the benefit each shall be deemed to acqure; but said council may determine in the ordinance authorized by this act to credit against assessments for benefits to the several owners of land and real estate peculiarly benefited by said improvement, such percentage, if any, of the amount to be paid by the railroad company as its proportion of the cost of such improvement as council may deem equitable and just; the balance of cost, damage and expenses remaining unprovided for, to be imposed upon and borne by the city at large and provided for by general taxation; or such council may, at its option, provide that the entire expense of any such improvement, other than the proportion paid by the railroad company, shall be borne by the city at large and shall have power to provide therefor by taxation.

Amount to be paid by railroad may be credited.

Balance of entire cost except that paid by railroad shall be paid by taxation.

Council may borrow money.

4. *And be it enacted*, That it shall be lawful for said council to negotiate temporary loans for a period not to exceed two years, for so much of the expense of such improvement as shall be assessed for benefits, less the amount, if any, accredited as aforesaid against the property peculiarly benefited, which loans shall be paid and retired when the money so assessed is collected.

And issue bonds.

5. *And be it enacted*, That such city council may issue bonds of said city for such proportion of the cost, expense and damage of such improvement as it is determined shall be borne by the city at large, for any period said council shall determine, not exceeding seven

years, to bear interest at a rate not to exceed five per centum per annum, payable semi-annually.

Assessors shall assess benefits.

6. *And be it enacted*, That when said city council shall determine as aforesaid to assess such amount of the cost and expenses of any such improvement upon the owners of property benefited thereby to the extent that the same shall acquire special and peculiar benefit, the said council shall at the completion of said work or at such time as it shall by resolution determine during the progress thereof, make application in writing signed by the presiding officer of such council, to the board of city assessors, which application shall specify the street or part of street along which such assessment for benefits is to be made, in proportion as nearly as may be to the advantage each owner of such land and real estate shall be deemed to acquire, and directing said board of assessors to specify in their assessment such lots or sub-division of lots, designating the lots and sub-division of land so benefited by the letters and numbers by which they are distinguished on the city atlas, and in case they are not so distinguished on said atlas to designate them by some other specific and certain method, together with the name of the respective owner or owners thereof and the amount assessed on each lot, and it shall be the duty of said board of assessors thereupon to make such assessment; which said assessment shall be embraced in the report of the said board of assessors which shall be made to the city council immediately upon the completion of such assessment, and council shall ratify and confirm said assessments or refer back to said board of assessors such as it refuses to ratify, for further consideration, and so on from time to time until all such assessments shall be ratified and confirmed.

Assessment shall be embraced in report to council.

Board of assessors shall advertise time and place of meeting.

7. *And be it enacted*, That at least five days before making any assessment for benefits against any owner or owners of land or real estate benefited, the said board of assessors shall give notice in at least three of the newspapers of such city of the time and place when and where they will meet for the purpose of considering the same, at which time and place all persons interested therein may be heard, and the said board may adjourn

such hearing from time to time until they have completed the consideration thereof and made report thereon as herein directed; and any person who may deem himself aggrieved thereby may present his objections to any such report to the city council of said city at its next stated meeting after the filing of such report, and if the said city council shall refuse to ratify the same it shall be returned by the said city council to the said board of assessors for further consideration, and so from time to time until such report shall be duly ratified and confirmed.

Persons aggrieved may present objections to report.

Collector shall advertise return of assessment.

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

Unpaid assessments shall bear interest.

Collector shall notify persons assessed.

9. *And be it enacted*, That it shall be the duty of the collector of taxes to whom any such assessment shall have been returned, in addition to the publication of the return thereof to him for collection as herein provided as far as practicable, to cause a notice to be given to every person assessed, of the amount of the assessment so made against him or her, with the costs which have been incurred in the collection of the same and and the interest which has accrued thereon, but if for any reason such notice has not been given or received by the person or persons assessed it shall in no way impair the right of the city to collect the assessment so made; in all cases in which assessments so made and returned shall remain unpaid for the space of six months from the date of confirmation it shall be lawful to collect the same by a sale of the property assessed, and it shall be the duty of said collector within one year after any such assessment shall have been returned to him to

Failure to give notice shall not invalidate assessment.

Property may be sold for assessments.

make sale thereof as herein directed; he shall before making such sale make advertisement thereof in two of the newspapers published in said city for the space of four weeks, at least once each week, giving notice of the time and place of sale, together with a description of the lot or tract of land assessed by the letter or number by which it is designated on the city atlas, or if not so designated, by some other definite and certain description and specifying the amount of money so assessed against and laid out and expended on the same; and he shall at the time and place so designated sell the said land and real estate at public sale for the shortest term of years at which any person will agree to take the same, not exceeding fifty years, and pay the assessment with interest thereon and all expenses incurred subsequent to the confirmation thereof, and thereupon the mayor of said city, at the request of the city council and under the corporate seal of the city, shall make, execute and deliver a declaration of sale to the purchaser thereof, and such purchaser, his executors, administrators or assigns, by virtue thereof and under the authority of this act, shall lawfully hold and enjoy the said lands and real estate for his and their own proper use until said term shall be fully completed and ended; and they shall be at liberty to remove therefrom all buildings and improvements they shall erect or place thereon during the said term, and every such purchaser, his heirs and assigns, shall pay all taxes which shall be lawfully assessed against the said lands and real estate during the said term; *provided*, *however*, that if the owner of any such lands and real estate, or any person having an estate therein, or any mortgagee thereof, shall within six months after such sale pay to the purchaser, his executors, administrators or assigns, the amount of money so paid by him to said city, with the amount paid for any improvement thereon, and all taxes paid by such purchaser with interest at the rate of twelve per centum per annum, such owner or person having an estate therein or mortgage thereon, as the case may be, shall be entitled to re-enter and re-possess the said lands and real estate and hold the same and have such rights therein as if the said

Sale shall be advertised.

Council shall make conveyance.

Proviso.

Mortgagee may recover possession on payment of money paid.

sale had not been made; no proceeding under this act shall be held invalid for any informality in proceedings thereunder.

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

Approved March 22, 1895.

CHAPTER CCCXXIV.

An Act concerning cities.

President of governing body may call special meetings.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in all cities of this state it shall and may be lawful for the president of the city council, board of aldermen or other governing body, to call special meetings of city council, board of aldermen or other governing body, when the public good shall, in his opinion, render it necessary; and on the request of one-fourth of the total membership of the city council, board of aldermen or other governing body, in writing, addressed to the president, it shall be his duty, or in his absence it shall be the duty of the city clerk, to call a special meeting.

Repealer

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

Approved March 22, 1895.

CHAPTER CCCXXV.

A Supplement to an act entitled "An act to abolish the inferior courts of common pleas, courts of oyer and terminer and general jail delivery and courts of general quarter sessions of the peace, and to establish in their place a county court in each of the counties of this state, and to provide for and define the jurisdiction, powers and duties of such county courts," passed March fourteenth, one thousand eight hundred and ninety-five.

Section to be amended.

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

Judge of county court shall be elected.

2. *And be it enacted*, That the legal voters of each of the counties in this state shall, at the next election for members of the general assembly, elect one judge to hold the county courts hereby established therein.

Section to be amended.

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

Qualifications and tenure of office.

3. *And be it enacted*, That said judges shall be elected from among the qualified voters of the counties in and for which they are elected respectively; they shall be members of the bar of this state, and shall be commissioned by the governor, and hold office for the term of five years from and after the first day of December next; their successors shall be elected for terms of five years at the election for members of the general assembly held next before the expiration of each term, and in case any vacancy shall occur more than thirty days preceding any such election, the governor shall appoint and commission a judge qualified as aforesaid, to hold office until the first day of

How vacancies shall be filled,

December following such appointment, and if any vacancy shall occur within such period of thirty days, such appointment and commission shall expire on the first day of December in the year next following, and

And successors elected.

the successors of the judges so appointed shall be elected at the election for members of the general assembly next preceding the expiration of the term

How judges shall qualify.

for which they shall have been appointed, each judge before entering upon the duties of his office, shall take and subscribe an oath to support the constitution of the state of New Jersey and of the United States, and to faithfully and impartially perform all his official duties as such judge according to the best of his ability and

Oath shall be filed.

understanding; which oath shall be administered by a justice of the supreme court and filed in the office of

Judge shall not practice in county courts.

the secretary of state; and no judge elected or appointed under this act in any county having more than twenty thousand inhabitants, according to the then next preceding state or national census, shall be allowed to practice in any of the courts of the county in which he is elected or for which he may be appointed.

Section to be amended.

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

Salary—how rated.

4. *And be it enacted*, That the annual salary of the judges elected in counties containing more than two hundred thousand inhabitants, according to the then next preceding state or national census, shall be seven thousand and five hundred dollars; the annual salary of each of the other judges of said county courts shall be as follows namely, judges elected in counties having between one hundred thousand and two hundred thousand inhabitants, according to such census, shall receive the sum of five thousand and five hundred dollars; in counties having between eighty thousand and one hundred thousand inhabitants, according to such census, five thousand dollars; in counties having between seventy thousand and eighty thousand inhabitants, according to such census, four thousand and five hundred dollars; and in counties having between forty-seven thousand and seventy thousand inhabitants, according to such census, four thousand dollars; in counties having

between twenty-eight thousand and forty-seven thousand inhabitants, according to such census, three thousand dollars; and in counties having between twenty thousand and twenty-eight thousand inhabitants, according to such census, two thousand and four hundred dollars; and in counties having less than twenty thousand inhabitants, according to such census, fifteen hundred dollars; such salaries shall be paid by the collector or treasurer of the respective counties in equal monthly payments, and shall be in lieu of all fees and other compensation whatsoever, and shall not be changed during the term for which any judge shall have been elected or appointed; and all fees which are now by law divided among or paid to the judges or to any judge of any of the courts hereby abolished shall not hereafter be taxed or collected.

Salary shall be paid by county treasurer.

All judges' fees abolished.

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

Approved March 22, 1895.

CHAPTER CCCXXVI.

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

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever the meadow lands lying within the bounds of two or more adjoining meadow banking companies (whether organized under special acts or general laws), are so situated that a breach in the bank of one of said companies would permit the overflow of the tide upon the meadow

Adjoining meadow-bank companies may consolidate.

lands lying within the bounds of all such adjoining companies, it shall and may be lawful for said meadow companies to consolidate in the manner hereinafter provided and thereafter to have, hold, erect, make and maintain the banks, ditches, dams, sluices, flood-gates and other works of said companies which shall so consolidate, by assessments upon all the lands lying within the banks of said consolidated companies, to be made, enforced and collected in the manner provided vided by the act to which this act is a supplement.

Consolidated companies may assess lands within their banks.

Proceedings to consolidate companies.

2. *And be it enacted*, That when the owners of a majority of the number of acres of lands lying within the bounds of each of such adjoining meadow banking companies, shall sign and acknowledge in the manner required for the acknowledgment of deeds of lands an assent to a certificate setting forth: first, the names of each of said companies which propose to consolidate, and the township and county in which its meadow lands are located; second, the number of taxable acres of lands lying within the bounds of each of said companies, the names of each of the owners of said lands, and the number of taxable acres which each owner may hold; third, a map of the said lands lying within the bounds of each of said companies, showing their relation to each other and also the location of the banks, dams, ditches, sluices and flood-gates of the said companies, when consolidated; fourth, that the said owners of a majority of taxable acres lying within the bounds of each of said companies desire that said companies shall be consolidated, so that their banks, sluices, ditches and other water works shall be erected and maintained by assessments upon all the lands lying within the bounds of said consolidated company; fifth, the name of said consoldated company; and having so signed and acknowledged said assenting certificate, shall file the same in the office of the clerk of the county in which said lands lie, the said several adjoining meadow banking companies shall then and from thenceforth become and be consolidated under the name set forth in said certificate.

Powers of consolidated company.

3. *And be it enacted*, That from and after the said consolidation, the said consolidated company, and the

owners of lands lying within the bounds thereof, and the officers of said company whenever thereafter elected, shall and may have and possess, exercise and enforce all the rights, powers and authorities which may be possessed, exercised or enforced by meadow companies organized under the act to which this act is a supplement, and in the same way and manner as prescribed in said act or in the several supplements thereto, and shall also be subject to the performance of the same duties and be liable to the same penalties as are therein prescribed.

Debts, obligations, etc., of companies, shall not be affected.

4. *And be it enacted*, That all debts and obligations, assessments and charges existent or outstanding against any of said meadow companies or against any lands lying within the bounds of any of said companies at the time of such consolidation shall not be in any way or manner affected by this act or by any proceedings had or done hereunder, but shall be and remain of full force and effect, and may be sued for or assessed, enforced and collected, as if this act had not been passed.

Notice for election of officers shall be advertised.

5. *And be it enacted*, That any two or more of the owners of lands lying within the bounds of said consolidated meadow banking company may call a meeting of the owners of the lands lying within the said bounds, their legal agents or representatives, for the electing of officers of said consolidated company by giving public notice of the time and place of such meeting, and of the object thereof, at least ten days before the time fixed for holding of said meeting, by setting up at least five of such notices in five of the most public places in the township where said lands lie, and by publishing such notice in one public newspaper printed and published at the county seat of the county where said lands lie at least seven days before the time fixed for the holding of said meeting; and when said meeting shall convene at the time and place so appointed, the said owners, their legal agents or representatives may, between the hours of one and five in the afternoon, choose by ballot or otherwise, and by plurality of votes of those met, such person or persons as they may think proper for manager or managers, and a treasurer and clerk for the

Election may be by ballot or otherwise.

Officers to be voted for.

ensuing year, or until the next annual meeting; and may also fix a time and place for the annual meetings of said consolidated company to be thereafter held; and may also choose three or more impartial men, acquainted with banking, to value all the marsh and meadow lands secured by the bank of said consolidated company from the overflow of the tide, as provided in section four of the act to which this act is a supplement, and thereafter such further proceedings shall be had and done touching the valuation of said meadow lands, the assessment of taxes thereon, for the erection and maintenance of the banks, sluices and water works, the collection of such assessments, and other acts concerning the business of said company, as are in like cases prescribed by the said act and the several supplements thereto.

Further proceedings to be had,

When organization has been effected, powers of separate companies shall cease.

6. *And be it enacted*, That from and after such consolidation the several companies which shall so as aforesaid join in said consolidation, shall be deemed to have been merged into said consolidated company, and the meadow lands lying within the bounds of said several companies which have been so merged, shall be no further liable to any assessment or charge or other exercise of power, by any of said several companies, or the officers thereof, save only for the collection of debts, obligations, assessments or charges existent and outstanding at the time of said consolidation, as hereinbefore provided.

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

Approved March 22, 1895.

CHAPTER CCCXXVII.

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

Failure to advertise shall not invalidate sale.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That no sale of lands made by any officer or other person since the approval of the said act and supplements shall be held to be invalid by reason of failure to comply with the provisions of said acts relating to the publishing of advertisements in newspapers; *provided*, that said sale or sales shall have been advertised four weeks successively in at least one newspaper, printed and published in the county where the land is situate, whether such newspaper be published at the county seat or not; *and provided, further*, that all the other provisions of said last-mentioned act in relation to the publication of advertisements of sales of lands shall have been complied with, and said sale shall have been or shall hereafter be confirmed by the orphans' court; *and provided, further*, that this act shall not be construed to extend to any sales of land to be made after this act goes into effect.

Proviso.

Proviso.

Proviso.

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

Approved March 22, 1895.

CHAPTER CCCXXVIII.

An Act respecting cities of the first class and providing for filling certain vacancies in office therein.

Mayor may fill vacancies for unexpired term

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in case a vacancy exists or shall hereafter exist in any city of the first class in this state in any office the sole power of appointment to which is by law vested in the mayor of such city, such mayor shall in like manner have power to fill such office for the unexpired term.

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

Approved March 22, 1895.

CHAPTER CCCXXIX.

An Act to provide for the enlargement and improvement of the state prison.

Building commission—of whom constituted.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the principal keeper and the supervisor of the state prison together with the state comptroller and Edward H. Holcombe, secretary of the board of inspectors of the state prison, and Henry Dickson be and are hereby constituted a building commission for the purpose of making such necessary enlargement and improvements in the state prison as are hereinafter provided for.

Powers and duties of the commission.

2. *And be it enacted*, That the said commissioners shall have power to construct an additional wing to the

prison and to make such alterations in the existing buildings as may in their judgment be necessary to supply such cell room as will admit of a compliance with the laws of the state requiring separate confinement of the prisoners; they shall provide hospital accommodations for the proper care of the prisoners in illness, having in view the isolation of patients in the case of epidemic or infectious diseases; they shall provide suitable and comfortable rooms in which divine service may be held in the prison; they may, in their discretion, establish an electric light plant or make other efficient provision for lighting the prison; they shall provide storerooms for the economical care and safe keeping of provisions and other supplies, and they may make such alterations in the present buildings and walls as may be necessary and proper for the business and purposes of the prison; *provided*, that the plans for the erection and alterations herein authorized shall be approved by the joint committee of the legislature on state prison and the governor of the state, or a majority of them; the commissioners shall have power to employ the necessary architects, superintendents and other assistants and to fix and pay their compensations; they shall cause the erections and alterations herein authorized to be done by contract, and they shall have power to advertise for plans and contracts for the said work and the execution thereof, either as a whole or for separate parts thereof, reserving the right to reject any or all bids not deemed advantageous to the state.

Proviso.

May employ architects, etc., and fix their pay

Work shall be done by contract.

3. *And be it enacted*, That to enable the commissioners to carry out the purposes of this act the sum of one hundred and fifty thousand dollars, or so much thereof as may be necessary, is hereby appropriated to be paid by the treasurer of the state, on the warrant of the comptroller, to the said commissioners from time to time, upon their requisitions, in such sums as may be necessary to enable them to meet the expenditures herein authorized.

Appropriation.

4. *And be it enacted*, That the said commissioners shall respectively give bonds to the state of New Jersey in the sum of five thousand dollars, with two sufficient sureties, to be approved by the governor, for the faith-

Commissioners shall give bonds.

Shall make report.

ful performance of the duties imposed upon them by this act; they shall make a detailed report of their operations to the next legislature, and they shall each receive from the above-mentioned appropriation such compensation as shall be determined by the governor, comptroller and treasurer of the state.

Act repealed.

5. *And be it enacted*, That an act entitled "An act to provide for the enlargement of the New Jersey state prison, and to construct a hospital," approved April fourteenth, one thousand eight hundred and ninety, be and the same is hereby repealed, and that this act shall take effect immediately.

Approved March 25, 1895.

CHAPTER CCCXXX.

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

State superintendent authorized to contribute state aid to certain school libraries.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in any city in this state which has heretofore received the state aid for its school libraries and has consolidated the libraries into one library for the use of all the schools in said city, it shall be the duty of the state superintendent of public instruction to draw his order in favor of each school in said city for the sum of ten dollars for each year that said school has failed to receive the amount due from the state for its school library since the date when said library was established, which orders shall be drawn in the same manner as other library orders are now authorized by law.

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

Approved March 25, 1895.

CHAPTER CCCXXXI.

An Act to regulate the practice of law before any law or president judge of the inferior court of common pleas or county judge.

Certain attorneys forbidden to practice before certain judges.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall not be lawful for any practicing attorney of this state, who shall be in the employ of or who shall occupy an office with any judge aforesaid, to practice before or transact any business whatever pertaining to said practice before said judge in any court where said judge shall preside alone or in conjunction with any other judge or judges.

Penalty.

2. *And be it enacted*, That any person violating the provisions of the first section of this act shall be deemed guilty of a misdemeanor, and shall for each offense be punished by a fine not exceeding one hundred dollars.

When act shall take effect.

3. *And be it enacted*, That this act shall take effect on the first day of December, one thousand eight hundred and ninety-five.

Approved March 25, 1895.

CHAPTER CCCXXXII.

A 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.

Manufacture and sale, or exposure for sale, of imitation butter forbidden.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That no person, by himself or his agents or servants, nor as an agent or servant, shall render or manufacture, sell, offer for sale, expose for sale or have in his possession with intent to sell, any article, product or compound made wholly or partly out of any fat, oil or oleaginous substance or compound thereof, not produced from unadulterated milk or cream from the same, which shall be artificially colored in imitation or semblance of yellow butter produced from pure unadulterated milk or cream of the same; *provided*, that nothing in this act shall be construed to prohibit the manufacture or sale of oleomargarine in the manner regulated by the act to which this is a supplement, and in such manner as will advise the consumer of its real character, free from artificial color that cause it to look like butter.

Proviso.

Penalty.

2. *And be it enacted*, That any person or persons who shall sell any article mentioned in the preceding section of this act representing the same as butter made from unadulterated milk or cream or any product other than it really is except in the manner provided in existing laws, shall be guilty of a misdemeanor, and upon conviction thereof be punished by imprisonment not exceeding six months or a penalty of two hundred dollars in the discretion of the committing magistrate or court.

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

Approved March 25, 1895.

CHAPTER CCCXXXIII.

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

Governor shall appoint a county board of elections

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That there shall be in each of the counties of this state a county board of elections, to consist of four persons, to be appointed by the governor yearly and every year, and who shall be legal voters within the counties for which they are respectively appointed; no more than two members of any such board shall belong to the same political party; the members of the said board shall be appointed in the month of July in each year; the chairman of the state committee of each of the two political parties which at the last preceding election for members of the general assembly cast the largest and next largest number of votes in the state, may, in June of each year, in writing, nominate two members of his own party in each county, qualified as aforesaid, for members of the county board of elections in and for such county; and if such nominations be made in said month of June the governor shall appoint such nominees; the members of said county boards of elections shall continue in office for one year from the first day of August next after their appointment; in case of death or disability of any member of any of said boards, the governor shall be forthwith notified thereof by the chairman or secretary of said board; the governor shall cause notice of such death or disability to be given the chairman of the state committee of the political party for which such member was appointed, and such chairman shall, within six days thereafter, nominate a successor, who shall thereupon be appointed by the governor; all appointments to fill any vacancies occurring in said board shall be

No more than two members shall belong to the same political party.

How nominations for members of the board shall be made.

When governor shall appoint nominees.

How vacancies shall be filled.

On failure to nominate, governor shall appoint.

for the unexpired term only; if, in any case, either of said chairmen shall fail to make nominations to the governor within the time aforesaid, the governor shall make such appointments of his own selection from the same political party; that said county boards of elections shall be provided by the board of freeholders of the respective counties with a suitable office and furniture, in the court-house of the county for which they are respectively appointed, or in a building as near as possible adjacent thereto located at the county seat.

Board of chosen freeholders shall provide office and furniture.

How election board shall be organized.

2. *And be it enacted*, That said county boards of election shall, at ten o'clock in the forenoon on the first Tuesday in August, or on such other day as they may agree on within the first ten days of August in each year, meet at the court-house in their respective counties and organize by electing one of their number to be chairman and one to be secretary, but the chairman and secretary shall not both belong to the same political party; in case of failure to elect such chairman for three ballots or viva voce votes, then the oldest (in years) of such board shall be the chairman thereof; and on failure to elect such secretary for three ballots or viva voce votes, the member of the board next oldest (in years) to the chairman of such board, and not of the same political party, shall be secretary.

County board shall appoint precinct boards.

3. *And be it enacted*, That the county board of elections in each county shall cause to be made a complete registry of all the legal voters in their respective counties, and for that purpose shall appoint for each election district or voting precinct in the county four persons, legal voters and residents within the city, town or township in which is situated the district or voting precinct for which they are appointed, to be the board of registry and election for such election district or voting precinct; not more than two of such appointees, in each election district or voting precinct, shall belong to the same political party; the said boards of registry and election shall be appointed during the first ten days of September in each year, upon nominations made in writing by the chairman of the county committee of each of the two political parties which at the last preceding general election cast the largest and

When and how district boards shall be appointed.

next largest number of votes in said county for members of the general assembly; said nominations shall be made after the tenth and no later than the twentieth day of August in each year; and in event that either chairman so designated shall neglect to file such nominations in the manner and within the time herein prescribed, the county board of elections shall immediately cause notice to be given to said chairman, and he may supply the deficiency in the list of nominations on or before September first next following, and the county board of elections shall appoint said nominees; if the chairman of either of the county committees herein designated shall fail to present in the manner and within the time herein specified, a list of nominees for appointment as members of the district boards of registry and election, the county board of elections shall supply any deficiency in the list of nominees from members of the political party of which the delinquent chairman is a member; *provided, however*; that all nominees shall answer in writing, over their own signatures and to the satisfaction of the county board of elections, all reasonable questions submitted to them or prepared for that purpose by the county board of elections, which refer to the efficiency, eligibility and character of the nominees, and bearing upon their fitness to serve as members of the board of registry and election; *and provided, also*, that the county board of elections may remove from office any member or members of any board of registry and election for neglecting or refusing to properly discharge the duties of his office, for failing to perform at the time required by law the duties of his office, for intoxication, for incapacity or for deceit or falsehood exercised in securing his own appointment; and all police officers, constables, sheriffs and peace officers are hereby required to remove summarily, by force if necessary, any member of the board of registry and election in said county whose removal has been ordered in writing by the county board of elections, attested by the signatures of the chairman and secretary of such board; the vacancy so made shall be filled immediately by the county board of elections, but for the unexpired term only.

County board shall supply deficiencies in the list.

Proviso.

Proviso.

Police officers, sheriff, constable, etc., shall act when required.

Terms of district boards.

4. *And be it enacted*, That the terms of office of the members of the district boards of registry and election, appointed under this act, shall begin on September eleventh of each year, and expire on September tenth of the following year, or when their successors are appointed and qualified; all vacancies in the district boards of registry and election shall be filled by the county board of elections in the same manner as hereinbefore provided for the filling of vacancies, but for the unexpired term only; *provided*, *however*, that in case of a vacancy occurring in said board on the day of election, by reason of the absence or disability of a member, except in case of removal by order of the county board of elections, such vacancy shall be immediately filled by the member of the district board of the same political party as the member whose place has become vacant; such appointment shall be immediately reported to the county board of elections; the district boards of registry and election shall meet within ten days after their appointment, within the municipality for which they are appointed, at a place to be agreed upon by at least three members of the board; each of such boards shall elect one of their members as judge and another one of their members as inspector; such judge and inspector shall be members of opposite political parties, and the other two members of the boards shall be the clerks of election, and shall perform all the duties required by law of the clerks of registry and election; in case of failure to elect a judge as herein provided, after balloting or voting three times, the member of the board oldest in years shall become judge, and in case of failure to elect an inspector, after balloting or voting three times, the oldest member of the board in years of the opposite political party shall become the inspector; the inspector shall deliver to the voters the ballots and official envelopes, and the judge shall receive from the voters and deposit in the ballot-box the ballots, enclosed in the official envelopes, as presented to him by the voters on the day of election; one of the clerks, to be designated by the judge, shall keep the registry on the day of election, checking off the names written thereon when the voters deposit

Proviso.

Vacancies in district board on day of election—how filled.

District boards—how organized.

In case of failure to elect inspector, oldest member shall act.

Duties of officers of district boards

their ballots, and the other clerk shall keep the poll-book, writing therein and numbering seriatim the names of those whose votes are received, in the order in which the voters deposit their ballots; in the counting of the votes, after the polls are closed, the judge shall take the ballots from the box singly, and reading the names thereon and the offices designated in connection therewith, shall hand the ballot, open, with the official envelope, to the inspector, who shall replace the ballot in the envelope, number the envelope and string it as now provided by law; the two clerks shall each keep a tally of the votes as they are called off by the judge.

How votes shall be canvassed.

5. *And be it enacted*, That the district boards of registry and elections in all districts in cities having by the next preceding census a population exceeding forty thousand shall meet annually on the Tuesday five weeks next preceding the annual election for members of the general assembly, at one o'clock in the afternoon, at the places in their respective election districts or precincts where the next election will be held, and continue in session until nine o'clock in the evening, for the purpose of registering the names of all legal voters, residents of the election district or precinct for which they are appointed; they shall make two lists or registries, arranged by streets in the alphabetical order of such streets, and by street numbers, if any there be, and if not, by the order of the houses as they occur upon any avenue, street or road in such district or precinct; they shall register the names of all persons in their respective election districts or precincts entitled to the right of suffrage therein at the next election, who shall personally appear before them for that purpose, and such other persons as shall be shown by the written affidavit of a voter residing in the same election district to be lawfully entitled to vote at the ensuing election; *provided*, that no person shall be registered if his right is challenged unless he shall, by affidavit or otherwise, prove to the satisfaction of the majority of the board that he is entitled to vote in that election district or precinct at the next election therein; *and provided*, that no person so applying shall be regis-

When city boards shall meet for registering voters.

Two lists shall be made.

Who shall be registered.

Proviso.

Proviso.

tered unless a majority of the board of registry and election shall be satisfied that he will be justly entitled to vote in that election district or precinct at the ensuing election; on the day succeeding such meeting a copy of the registry as made up and arranged under the provisions of this section shall be posted by each of the clerks, in hand-bill form, in some conspicuous place in such election district.

Second meeting shall be held, and lists shall be revised and corrected.

6. *And be it enacted*, That the said district boards of registry and election in cities having by the next preceding census a population exceeding forty thousand shall also meet in the same place on the Tuesday four weeks next preceding the general election, and finally, on the Tuesday three weeks next preceding the general election, for the purpose of revising and correcting the registries, of adding thereto the names of all persons entitled to the right of suffrage in that election district or precinct at the next election, who shall appear in person before them and establish to the satisfaction of a majority of the board that they are entitled to vote in that election district or precinct at the next election therein, or who shall be shown by the written affidavit of a voter residing in the same election 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 be signed by him; such affidavit or affidavits shall be preserved in the custody of the member of the board of registry and election acting as judge until the completion of the registry; upon the completion of such registry all such affidavits shall be delivered by such judge to the county board of elections, who shall give a receipt for the same, stating the number received, and the said county board of elections shall preserve such affidavits for three months after election or until required to produce the same by any court or judicial tribunal authorized to require their production as evidence in such court or judicial tribunal; and it shall be the further duty of the district board of election to erase from such registry the name of any person or persons who, after a fair opportunity to be heard, shall be shown by due proof not to be entitled to vote in such election district, by reason of non-

Affidavit shall be required of each person added to the list.

Affidavits shall be delivered to county board.

Names of ineligible persons shall be erased.

residence or otherwise; three copies of the revised registry shall be made by the board of registry and election, which shall be so written as to show opposite each name on such copies of the registry the manner in which each voter registered, whether he appeared in person before such board or was registered by affidavit; if by affidavit, the name of the person making such affidavit shall follow the name of the person so registered in a space or column provided for that purpose; and such revised registries shall be arranged by streets and by street numbers in the same manner as is required with respect to the lists to be made on the first registry day; the registry of names in each election district or precinct shall be made up for the general election annually as herein provided, and shall not be copied from the registry of the previous year or of any previous election, either in whole or in part; on the day succeeding the final completion of the registry, one copy thereof shall be delivered by the judge to be filed with the county board of elections; one copy shall be posted at the place of registry and election in said district for public inspection, and one copy shall be retained by the judge for use by the district board on the day of election.

Three copies of revised registry shall be made.

How registry shall be arranged

Special registry shall be made for general election.

How lists shall be disposed of.

7. *And be it enacted*, That the authority heretofore vested in and the duties heretofore devolving upon the respective clerks of municipalities for the appointment and issuing of permits to agents or challengers (so called) is hereby transferred to, vested in and devolved upon the county board of elections; and the nominations or appointments heretofore made by the chairmen of county committees or candidates affecting the appointment or selection of such agents shall hereafter be addressed and delivered to the county board of elections; and the certificates of appointment by the county board shall first be filed with the several boards before the persons so appointed shall be authorized to act, and such permits may be issued and revoked and others appointed in their stead at any time up to and including the day of election; *provided, however*, that when a permit shall be revoked, the new permit in the place thereof shall be issued upon the nomination of the

Permits to challengers vested in county board.

Proviso.

same person or officer upon whose nomination the original permit was issued.

Returns shall not be signed until canvass is completed.

8. *And be it enacted*, That no member of any district board of registry and election shall sign any returns of election until after the completion of the counting of votes and his personal examination of the tally sheets to determine the results; the counting of the votes shall commence immediately upon the closing of the polls on the day of election; the board shall proceed in an open and public manner to read and count the votes received and shall complete the same without delay and without adjournment, and after completing the same shall audibly and publicly announce the result thereof, particularly specifying the whole number of the voters in the poll-book, the name of each person for whom any vote shall have been given for any office to be filled by such election and the number of votes given for each person for the office designated for him by said votes.

Votes shall be counted as soon as polls close.

Result shall be publicly announced.

County board shall act as county canvassers.

9. *And be it enacted*, That for all general elections in this state the county boards of elections in each county shall hereafter be and act as the board of county canvassers, and all the powers and duties heretofore vested in and imposed upon the board of county canvassers as heretofore constituted shall be and are hereby vested in and imposed upon the board of county canvassers as constituted by this act; the clerk of the county shall hereafter be the clerk of the said county board of canvassers without extra compensation.

Board of freeholders shall pay election expenses.

10. *And be it enacted*, That the services rendered and expenses incurred by any officer or person duly authorized in carrying out the provisions of this act, and not herein provided for, shall be regarded as election expenses, and shall be paid and defrayed by the respective counties and municipalities in the same manner as other election expenses and services are now paid for and discharged, and the board of freeholders in each county shall include in their annual tax levy a sum sufficient to pay the compensation of the district boards of registry and election and all other election expenses.

Compensation to be allowed local boards.

11. *And be it enacted*, That the compensation of each member of the boards of registry and election in cities

having by the next preceding census a population exceeding forty thousand for all services performed by them under the provisions of this act and the act to which this act is a supplement, shall be for each registry day five dollars, and for the election day, including the counting of the votes and the delivery of the returns and ballot-box with contents to the municipal clerk, ten dollars, to be paid by the county collector for each general election within thirty days after the date of the said election.

Proceedings when returns have not been delivered.

12. *And be it enacted*, That for the purpose of any general election in this state, should any judge or inspector of election fail to deliver the proper returns to the person or place within the time herein required, any member of the county board of elections may apply to any justice of the supreme court for an order to compel the immediate delivery of said returns, and the said justice, upon presentation of the facts which satisfy him that the said judge or inspector, or both of them, have failed to deliver the said returns as herein required, may make an order requiring the immediate delivery by said officers of the said returns, and in case of failure on the part of said officers to produce the said returns within twenty-four hours after being served with such order, the said officers shall be deemed and considered in contempt of court, and shall be punished accordingly.

Penalty for failure to deliver returns.

Proceedings to obtain a recount.

13. *And be it enacted*, That if any candidate for any office within ten days after any election shall pray a recount of the whole or any part of the vote, by his petition in writing to one of the justices of the supreme court, and shall deposit such sum as such justice shall order as security for the payment of the expenses of such recount, it shall be the duty of such justice to order such recount to be taken, the same to be made by the county board of elections, under such supervision and upon such terms as he may order, and such justice shall have power to fix the compensation for all persons and officers necessarily performing duties under such order, and on the conclusion of such recount the said justice shall certify the result thereof, which certificate shall take the place of the certificate originally issued

Result of recount shall be certified.

Expenses—how paid.

by the canvassing board; said justice shall also make order concerning the payment of the expense of such recount, which shall be paid by the party applying therefor, if the result is unchanged by such recount, but shall be paid by the county in case the result shall be changed by the recount, and he shall order such writs or proceedings as may be necessary to carry said recount into effect or collect said costs.

County boards shall sit on certain days—and grant certificates to voters whose names have been omitted.

14. *And be it enacted*, That it shall be the duty of the several county boards of election to sit at the offices so provided for them on the Saturday next preceding, and also on the day of election from eight o'clock in the forenoon till five o'clock in the afternoon of each of said days, and in case the name of any legal voter in any election precinct or district has been improperly or inadvertently left off the registry list he may, on said days, apply to the county board of elections for the purpose of having his name placed upon the registry list, and the county board of elections, upon application to them for that purpose and upon proper evidence satisfying them that such person is a legal voter entitled to vote at any such election, may give their certificate to that effect, that such voter may present said certificate to the board of registry and election of the district or precinct in which he is entitled to vote, and said board shall receive and file said certificate and add his name to the registry list and he shall thereupon be allowed to vote at said election, and no name shall be added to the said registry list after the last registry day preceding the day of election, except in the manner provided for in this section; *provided*, *however*, that certificates of transfer may be issued and shall be accepted as heretofore, in the case of any voter, who, after being registered in one election precinct, shall move into another election precinct in the same county, before the day of election.

District board shall file certificate.

Proviso.

Penalty for obstructing polling place or voters.

15. *And be it enacted*, That if any person shall on election day obstruct the entrance to any polling place, or shall obstruct or interfere with any voter, or do any electioneering within one hundred feet of any polling place, he shall be deemed guilty of a misdemeanor, and

upon conviction thereof shall be punished by a fine not exceeding fifty dollars.

Penalty for counterfeiting official ballot or having the same in possession.

16. *And be it enacted*, That any person not authorized by the proper officers who shall print or make any envelope of a like character and with the names and words contained on the official envelope provided for in this act, or any person who shall on election day have in his possession an official envelope or an envelope made in imitation thereof, without being such person as is authorized by this act to have charge or possession thereof, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by imprisonment not exceeding one year.

Persons violating this act may be arrested.

17. *And be it enacted*, That if proof be made before any justice of the peace or police justice of facts constituting probable cause for believing that this act has been violated, and that any person or persons have knowledge of the circumstances connected therewith, it shall be the duty of said justice to issue process of subpœna for the appearance of such person or persons other than the accused before him, to be examined touching the same; *provided*, that the lawful expenses of such subpœna and examination shall be paid in the first instance by the applicant therefor, and such evidence shall be filed with the clerk of the county, to be used before the grand jury; *and provided further*, that no such process of subpœna shall be issued or served, nor any such examination held on the day of election.

Proviso.

Proviso.

When a voter has been impersonated, he may vote upon submitting proof.

18. *And be it enacted*, That when any legal voter shall apply to the board of registry and election in the district in which he resides and shall find that his name upon the registry list is already checked as voting, it shall be lawful for the board of registry and election to receive his vote upon due proof to them that he is a lawful voter in such district and has not voted in said election.

District board shall vote on question of challenged vote.

19. *And be it enacted*, That upon any question or challenge of a vote duly registered it shall be the duty of the board of registry and election and the privilege of all its members to put all such questions as are proper to determine the right of such voter to vote, and the question as to the admission of such vote shall be

put in the following form: "Shall this voter's ballot be received by this board?"

Penalty for mutilating or destroying registry lists.

20. *And be it enacted*, That any person who shall remove, destroy or mutilate any registry list or copy thereof, or who shall before such election close, remove, destroy or mutilate any list of voters posted in accordance with this act, shall be guilty of a misdemeanor, and shall be punished on conviction thereof by a fine not more than one thousand dollars or imprisonment with or without hard labor for not more than two years.

Repealer.

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

Approved March 25, 1895.

CHAPTER CCCXXXIV.

A Further Supplement to an act entitled "An act for the formation and government of boroughs," approved April second, one thousand eight hundred and ninety-one.

Legally incorporated borough governments shall be liable for debts of former de facto governments.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever any body of citizens have heretofore organized themselves as a borough, by virtue of any law of this state, and have thus become an ostensible or de facto government, and as such have entered into contracts or incurred debts, and it has appeared that said borough, by reason of some provision or defect in the laws under which such borough shall have been organized had not been a corporation de jure, and that said citizens have since become legally incorporated as a borough, then in such case such corporation de jure shall be liable for the payment of such debts, and shall be subject to the obligations of such contracts to the same extent as if the same had been contracted or entered into by said cor-

poration de jure itself in the first instance, and shall be entitled to, and be possessed of, all the property, right, privileges and powers that shall have been acquired or possessed by the said body corporate de facto.

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

Approved March 25, 1895.

CHAPTER CCCXXXV.

A Supplement to an act entitled "An act concerning taxes and assessments in villages and other municipal corporations governed by a board of trustees, and making same a first lien on real estate, and authorizing sale for the payment of the same," approved February twenty-second, one thousand eight hundred and eighty-eight.

Section to be amended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section two of the above-mentioned act be and the same is hereby amended so as to read as follows:

Real estate may be sold to pay taxes in arrears.

2. *And be it enacted*, That in case any taxes or assessments referred to in the last section, whether heretofore levied, imposed or assessed, or hereafter to be levied, imposed or assessed, together with interest thereon, costs, fees, charges and expenses aforesaid, shall remain or shall have remained unpaid and in arrears for the space of one hundred and twenty days after the time when payable according to law, then and in that case the said board of trustees shall have full power and authority to issue their warrant or warrants, under the common seal of said village or municipality, signed by the chairman of said board of trustees or president of said village, and attested by the clerk thereof, directed to the collector of taxes of said village

or municipality by whatever title such collector may be legally designated and known, commanding him to make such taxes or assessments, with the interest, costs, fees, charges and expenses aforesaid, out of the lands, tenements, hereditaments and real estate on account of which the same were assessed, levied, imposed or incurred, by selling the same for the purpose as hereinafter provided; the amount of taxes, assessments or liens, for which certificates of sale have been given to and are held by such village or municipality, shall be deemed to be in arrears, within the meaning of this section, and to have been so in arrears from the date when such taxes, assessments or liens were assessed, levied or confirmed, or attempted to be assessed, levied or confirmed, whether such sales were invalid or not;

Proviso.

provided, that in case of invalid sales, if any, the property sold was liable, at the time such tax, assessment or lien was fixed and imposed, to the imposition of a tax, assessment or lien in respect of the purposes for which such tax or assessment was fixed and imposed, and that it does not appear that any substantial injury was done to the owner of the property by reason of the irregular or illegal manner or method of fixing, imposing or collecting said tax, assessment or lien.

2. *And be it enacted*, That said collector, after giving notice by advertisement as hereinafter required, shall sell said lands, tenements, hereditaments or real estate in lots or plots as the said taxes or assessments were or are levied, assessed, imposed or incurred, at public auction, to the highest bidder, but not for less than the amount of taxes or assessments, or both, due upon the same, with interest and costs; said advertisement shall include a designation of the time and place of sale and a description of the premises as contained in the tax duplicate or assessment report, and shall state that further particulars of the property to be sold may be obtained at the office of said collector; and it shall not be necessary in said advertisement to include any further particulars of the property to be sold; said advertisement shall be published once in each week, for four weeks prior to said sale, in the newspaper in which the official notices of such village or municipality are

What the advertisement shall set forth.

Advertisement shall be published in a newspaper.

are usually published; it shall be the duty of said collector, from and after the first publication of said advertisement, to deliver to any person applying to him a written or printed list of all the property intended to be included in said sale, but it shall not in anywise be an objection to the validity of any sale that any person has failed for any reason to receive such list; the sale may be adjourned by said collector from time to time, but it shall not be necessary to publish any notice of such adjournment or of the continuation of the sale; affidavits of the publication of the notice of sale in the manner above provided, and of all other notices required by the provisions of this act to be published, made by one of the respective publishers of said newspapers, or by some person in the employ of said publisher having cognizance of the publication, shall be prima facie evidence in all courts and places of the matters stated therein.

List shall be furnished to persons applying for the same.

Affidavit of publication shall be made.

3. *And be it enacted*, That said collector shall, on the receipt of the purchase money on any sale, execute and deliver to the purchaser a certificate of such sale, which shall contain a covenant on the part of said village or municipality to refund the amount paid for the lands without interest in case the title conveyed shall prove invalid; upon surrender of the said certificate of sale and proof of service of the notice thereof as hereinafter provided upon the owners and mortgagees of the said land and premises, the said collector shall, after the expiration of six months from the date of such service, execute and deliver to the purchaser at such sale, his heirs, devisees and assigns, a deed for the said lands and premises, which shall be sealed and attested by the clerk of said village or municipality and proved in the usual manner; and said purchaser, his heirs, legal representatives and assigns, shall take a good and sufficient title to the property sold in fee simple absolute, free of all incumbrances (except taxes, assessments and water rates levied after the taxes or assessments for which said property shall be sold), of which the said deed shall be presumptive evidence in all courts and places and in any proceedings or actions to be by such purchaser, his heirs, legal representatives and assigns, taken, prosecuted or defended for the recovery of the possession of

What the certificate of sale shall contain.

Collector shall execute and deliver a deed to the purchaser.

the property so sold as aforesaid, or in the establishment or defense of his or their title shown as aforesaid by the possession of said deed; the title shall not fail or be defeated by reason of any irregularity or formal defect in the procedure taken under this act upon which the sale shall have been made or the title conveyed as aforesaid, or by reason of any illegality in fixing and imposing the tax, assessment and lien to enforce which the sale was made, or in the proceeding for collecting the same;

Proviso. *provided*, the property sold was liable at the time such tax, assessment or lien was fixed and imposed by the imposition of a tax, assessment or lien, in respect of the purposes for which such tax, assessment and lien was fixed and imposed, and it does not appear that any substantial injury was done to the owner of the property by reason of the irregular or illegal manner or method of fixing, imposing or collecting said tax, assessment and lien; the village or municipality may be the purchaser at any sale of lands under the provisions of this act with the same right, title and effect as any other purchaser, and the certificate of sale to the village or municipality shall be delivered to the president or other head officer thereof, who shall, on behalf of the village or municipality, cause notice of the sale to be served on the owners and mortgagees of the lands so purchased, as provided in this act; upon proof of service of the notice and expiration of the period for redemption, the village or municipality shall be entitled to a deed for the property the same as any other purchaser; in all cases where any lands be bought by the village or municipality as aforesaid under this act, it shall be lawful for the governing body of such village or municipality to sell and assign the certificate of sale, or to sell and convey such lands, or any part thereof, by a good and sufficient deed, to any person or persons on such terms

Proviso. as may be agreed upon without warranty; *provided*, that if sold at private sale, the price for the land shall not be less than the amount due the village or other municipality thereon when purchased.

Mortgagee may redeem property after due notice. 4. *And be it enacted*, That any person or persons having an estate in or mortgage upon any lands and premises sold in pursuance of the second section of this

act, whose estate or lien appears of record in the county, may at any time before the expiration of six months after notice shall have been given to him of such sale by the purchaser, his heirs or assigns, in the manner hereinafter provided, or before a deed of such premises shall have been delivered as provided in this act, redeem said lands and premises by paying to the collector of said village or municipality, for the use of the purchaser; his heirs and assigns, the sum paid by him at such sale with interest at the rate of ten per centum per annum from the date of the sale, and one dollar for each notice served as hereinafter provided; and upon such redemption the village or municipality shall pay to such purchaser, his heirs or assigns, the amount received from the person redeeming; such notice shall be in writing and shall be served by the purchaser of the property or his agent on said owner or mortgagee, either personally or by leaving the same at his place of abode with a member of his family above the age of fourteen years; in case such owner or mortgagee is a non-resident, or his residence cannot on due inquiry be ascertained, then the notice may be served by publishing the same in a newspaper printed and published or circulating in the village or municipality for the period of six weeks, at least once in each week, and depositing a copy of such notice within twenty days after its first publication in the post-office of the village or municipality, inclosed in a wrapper, post-paid, directed to such owner or mortgagee at his or her last known post-office address, if the same can be ascertained; inquiry for the residence or post-office address of such owner or mortgagee shall be made by the purchaser or his agent upon the land purchased at the sale, if they are occupied, and wherever else in the village or municipality the same may be likely to be ascertained, and also by an examination of the record of the deed or mortgage on account of which notice is given; an affidavit shall be made by the purchaser or his agent setting forth the manner and particulars of the service, and in case the same is made by publication, setting forth what inquiry was made to ascertain the residence and post-office address of such owner or mortgagee, and

Purchaser shall have refunded the amount received in redemption.

Notice may be served in certain cases by advertising same in a newspaper.

Service shall be verified by affidavit.

in such case an affidavit of the publication shall also be made by the person publishing such newspaper, or by some one in his employ having cognizance of the publication, stating the particulars thereof; and the affidavit or affidavits shall be filed in the office of the clerk of the village or municipality within one month after the date of service and shall be prima facie evidence in all courts and places of the facts therein stated; the purchaser shall be entitled to the possession of said lands immediately upon giving such notice to the owner thereof in case the same are unoccupied, or if they are occupied, then within thirty days thereafter; and he shall have the same remedy by writ of assistance or otherwise in the circuit court of the county in which the village or municipality is situate, or in the court of chancery for the recovery of the possession of said lands as the purchaser of mortgaged premises at a foreclosure sale is now or may hereafter be entitled to by any law or practice of this state; *provided, however*, that if any estate in any of said lands shall be held by an heir or devisee of a decedent whose estate appears of record in the county, or if any mortgage or lease shall be held by the executor or administrator of any decedent whose mortgage or lease appears of record in the county, such heir, devisee, executor or administrator shall be entitled to redeem and to have notice as aforesaid before the purchaser shall be entitled to the possession of the lands; *and provided, also*, that the records and schedules of all sales made under this act shall be filed and kept in the same offices of the several villages and municipalities wherein records of tax sales are now by law required to be kept.

Affidavit shall be filed.

Purchaser shall have recovery of possession.

Proviso.

Proviso.

Proceedings may set forth a general statement.

5. *And be it enacted*, That it shall not be necessary to set out the proceedings under this act at length in the deed for the lands sold, but a general statement therein that such deed was made and executed upon proceedings taken under the authority of this act shall be sufficient.

Proceedings in case person interested is unknown to purchaser.

6. *And be it enacted*, That in case any owner, mortgagee or other person appearing to have an interest in the lands which shall be sold for arrears of taxes or assessments under the provisions of this act, is unknown

to or cannot be ascertained by the purchaser or his legal representatives or assigns after due inquiry, application shall be made to the circuit court of the county wherein such lands are situate for an order for a deed, by petition duly verified, which shall describe the said lands so sold not only as described in such notice of sale, but also by metes and bounds, and shall also set out the manner in which the purchaser or his legal representatives or assigns have made inquiry for such unknown owner, mortgagee or other interested person; and the court upon being satisfied by the said petition or otherwise that such owner, mortgagee or other interested person are unknown to said purchaser, his legal representatives or assigns, and that due inquiry to ascertain their names, places of residence and post-office address has been made and cannot be ascertained, may make an order requiring such unknown owner, mortgagee or other person interested in said lands to show cause before said court at a day therein specified, not less than six months from the date of said order, why a deed should not be made and delivered for the said lands to the purchaser or his legal representatives or assigns, and that in case such unknown owner, mortgagee or other interested person shall not appear and show cause or redeem the said lands within the time limited by the said said order, then the court shall on the return day thereof, or afterwards, make an order directing the said collector of the village or municipality wherein such lands are situate, to make a deed of conveyance of said lands to said purchaser or to his legal representatives or assigns, which shall convey the said lands free of all interest or estate in or lien upon or claim thereto of any such unknown owner, mortgagee or person so proceeded against; *provided*, that within ten days after the date of such order the said purchaser shall cause to be published in one of the newspapers printed or published or circulating in said village or municipality in which said lands are situate, a notice directed to such unknown owner, mortgagee or other person appearing to have an interest in said lands, describing the lands as in said petition, and requiring them to redeem said lands or to show cause why a deed therefor should not be delivered

Proviso.

to the purchaser thereof or his legal representatives or assigns within the time specified in said order, which notice shall be published in said newspaper at least once a week thereafter for at least six weeks, and proof of such publication shall be filed in the office of the clerk of the said circuit court; and in case such owner, mortgagee or other person interested shall appear and answer the said petition, the court may hear the same in a summary manner, and make such order thereon as shall be equitable and just.

Proceedings in case owner or person interested is under age.

7. *And be it enacted*, That in case any owner, mortgagee or other person appearing to have an interest in said lands so sold, shall be known to be an infant under the age of twenty-one years, no deed shall be delivered to the purchaser, or to his legal representatives or assigns, by the said collector, except upon the order of the circuit court of the county wherein said lands are situate, to be made upon a duly verified petition of the purchaser, his legal representatives or assigns, and upon such notice to said infants or their guardians as the court may deem proper; and the court in such case may appoint a guardian ad litem, and inquire into the ability of the said infants or their estate to redeem said land, and may postpone the hearing thereon from time to time, in its discretion, to give opportunity for such redemption, and may make such order in relation to such deed as may be equitable and just.

Proceedings in case devisees of property cannot be ascertained.

8. *And be it enacted*, That where any lands which have been devised to any person for life, and to the child or children of such devisee after his or her death, shall be sold under this act, and the purchaser at such sale shall be unable, after due inquiry, to ascertain the name or names of such child or children, or whether such devisee had or left issue or not, the purchaser, or his legal representatives or assigns, shall make application to the circuit court of the county wherein such lands are situate by petition, duly verified, for a deed; such petition shall contain a description of the land, both as described in said notice of sale, and by metes and bounds, and shall also state the manner in which inquiry has been made for such child or children; and the said court, upon being satisfied of

the truth of the statements contained in such petition, shall make an order directing the child or children, or heir or heirs, of such devisee (naming him), and the heir or heirs of the testator (naming him), to show cause before said court, at a day therein to be specified, not less than six months from the date of said order, why a deed should not be made and delivered for the said lands to such purchaser, his legal representatives or assigns; and in case such heirs or children, or any of them, shall not appear and show cause, or shall not redeem the said lands within the time limited in the said order, then the court shall, on the return day thereof or afterwards, make an order directing the said collector to make and deliver a deed of conveyance of said lands to the purchaser or his legal representatives or assigns, which shall convey the same free of all claim or lien against or estate therein of such heirs or children; *provided, however*, that such purchaser, his legal representatives or assigns, shall, with ten days after the making of such order, cause to be published in one of the newspapers printed or published and circulating in the said village or municipality in which said lands are situate, a notice directed "to the children and heirs" of such devisee and testator (naming them), describing the lands as in such petition and requiring them to redeem the same, or show cause why a deed therefor should not be made and delivered to such purchaser, his legal representatives or assigns, within the time specified in said order, which notice shall be published for the time, and the publication thereof proved in the manner directed in the sixth section of this act; and in case any such children or heirs shall appear and answer the said petition, the said court may hear the same in a summary way and make such order thereon as shall seem to be just.

Proviso.

Persons claiming interest by unrecorded deed or mortgage, shall be bound by the proceedings under this act.

9. *And be it enacted*, That all persons claiming an interest in or mortgage upon any lands sold as provided in this act by or through any deed, conveyance, mortgage, assignment, or any instrument which by law could be recorded, registered, entered or filed in any public office in this state, and which shall not be so recorded, entered or filed at the time of the execution

and delivery of the deed as provided in this act, shall be bound by the proceedings had and notices given under the provisions of this act, so far as said property is concerned, in the same manner as if such persons had been duly served with the notice mentioned in the fourth section of this act.

Persons duly notified shall be bound thereby.

10. *And be it enacted*, That when notice has been served upon any person having, or appearing to have of record, an estate in or mortgage upon any lands sold as provided in this act, and proof of such service has been made and filed as provided in this act, any person or persons claiming by descent, devise, deed, mortgage, assignment or otherwise, through or under the person or persons so served, shall be bound by the notice so served on such person or persons by, through or under whom such estate, interest or lien has been acquired.

Persons redeeming lands shall hold first lien thereon.

11. *And be it enacted*, That when any lands sold under this act shall be redeemed by any person having a mortgage or other lien or incumbrance thereon, the person so redeeming shall hold and retain a first lien on said lands, subject only to taxes and assessments thereafter levied and assessed, to the amount of the sum paid by him to effect such redemption, together with lawful interest thereon from the time of such payment; and the certificate of the said collector stating the payment and showing what property such payment is intended to redeem shall be evidence of such redemption and payment; any person redeeming lands sold under the provisions of this act shall pay to the said collector, for the use of the purchaser, his legal representatives or assigns, not only the sum paid at the sale, with interest, as provided in section fourth of this act, but also any other tax or assessment chargeable thereon, and which the said purchaser or his legal representatives or assigns may have paid since sale, together with lawful interest on such payment from the time of filing such notice; *provided*, a notice of such payment shall have been filed in the office of the said collector.

Certificate of collector shall be evidence of redemption.

Proviso.

When sum in excess of taxes and costs is paid, court shall direct disposition thereof.

12. *And be it enacted*, That where, in any case, upon the sale of any lands by virtue of this act, a greater sum is bid and paid therefor than is sufficient to pay and satisfy the taxes and assessments thereon, with interest

and costs, the said court shall, upon petition by any person interested in the surplus, have jurisdiction to order and direct the distribution, payment and investment of the same, according to the facts and circumstances of each case and as appears to be just, and may award to any person holding possession under a valid term of years the value thereof, together with the value of permanent improvements made by such owner upon the lands so sold.

Proceeds of sales shall be deposited with collector.

13. *And be it enacted*, That all moneys received upon sales in pursuance of any of the provisions of this act shall be deposited with the said collector, and the surplus, if any, remaining in any case, after deducting the amount of the tax, assessment and lien and interest and expenses of sale and disbursements, shall be held for the use of and paid over to the person legally entitled thereto upon his establishing his right to the same; *provided*, *however*, that interest thereon shall not be recoverable from said village or municipality; *provided*, *further*, that if in any case a lot or parcel of land is sold upon which there is a mortgage or lien other than the lien of the said village or municipality, and the sum bid and paid therefor is in excess of the sum due to the said village or municipality, then, if the mortgagee or holder of such lien shall notify the said village or municipality of the nature and amount of his or her mortgage or lien within sixty days after the receipt of such excess by the said village or municipality, the said village or municipality shall thereupon pay such excess into the circuit court of the county, and the judge of said court, on the application of any party interested, may make such order in relation to the distribution and disposition of the same as shall be just and equitable.

Proviso.

Proviso.

Proceedings to obtain writ of certiorari.

14. *And be it enacted*, That no writ of certiorari shall be allowed to contest any proceeding under this act unless the party applying for such writ shall give a bond to such village or municipality, with approved security, conditioned for the payment of so much of said tax, assessment and lien as shall be ascertained to be justly payable, with interest and costs, nor unless application therefor be made within six months from the date of such sale.

Act not to be operative until formally accepted.

15. *And be it enacted*, That the provisions of this act shall not be operative and in force in any village or municipality of the state until the provisions of this act have been accepted by the governing body of such village or municipality by a formal resolution, approved by the president or chairman of the governing body of such village or municipality, and passed by a vote of not less than two-thirds of such governing body.

Repealer.

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

Approved March 25, 1895.

CHAPTER CCCXXXVI.

An Act to authorize and empower the common council or other governing body of cities of the second class in this state, to settle, compromise or offset awards for damages resulting to any owner for the taking of his lands by said city for any public purpose, against any taxes or assessments upon other lands owned by such person.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in any city of the second class in this state where there is due from said city to any owner of lands therein, an award or awards, and upon whose lands there is due to said city for taxes or assessments, or both, an amount in excess of such award or awards, it shall be lawful for the board of aldermen, common council or other legislative body of any such city, to set off and adjust, upon such basis as they may deem equitable and just, such award or awards with such interest as may be equitable, against such taxes and assessments, whether the same have been adjusted or not, under the act entitled "An

act concerning the settlement and collection of arrearages of unpaid taxes, assessments and water rates or water rents in cities of this state, and imposing and levying a tax, assessment and lien, in lieu and instead of such arrearages, and to enforce the payment thereof, and to provide for the sale of lands subjected to future taxation and assessment," passed March thirtieth, one thousand eight hundred and eighty-six, and the supplements and amendments thereto, and to compromise, adjust and settle the amount of the lien of the city upon the lands of said owner remaining due to such city after making such offset and adjustment.

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

Approved March 25, 1895.

CHAPTER CCCXXXVII.

An Act to extend the time for building and putting in operation certain street railways authorized under chapter one hundred and seventy-two, of the laws of one thousand eight hundred and ninety-three.

Time for building certain railways extended.

1. BE IT ENACTED, *by the Senate and General Assembly of the State of New Jersey*, That whenever the time limited for the building and putting in operation of any street railway or any portion thereof authorized to be constructed under the act referred to in the title of this act shall expire during the year one thousand eight hundred and ninety-five, such time shall be and the same is hereby extended for a further period of one year.

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

Approved March 25, 1895.

CHAPTER CCCXXXVIII.

An Act to permit and allow firms and individuals not less than twenty in number under each organization, known as fire Lloyds, to insure others against loss or damage by fire and lightning, and to underwrite policies of insurance issued therefor under the Lloyds form.

Qualifications for membership.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall and may be lawful for any number of individuals or firms, as separate underwriters, to associate themselves together under what are known as Lloyds associations to be composed of not less than twenty members each, who shall all be legal residents of New Jersey, possessing in their individual right in value twenty thousand dollars of personal property and real estate, situate within this state, above all incumbrances, for the purpose of underwriting and contracting and issuing policies of insurance, insuring property against direct loss or damage by fire or lightning upon what is known as the Lloyds plan and to adopt names for each of said Lloyds associations and such rules and regulations for the governance of the same as may be necessary for the carrying out of the purposes of the said Lloyds associations.

How association may be organized.

2. *And be it enacted*, That upon filing with the commissioner of banking and insurance of this state a certificate of each association thus defined, duly signed by at least twenty members thereof of each Lloyds association, the said commissioner of banking and insurance shall immediately issue to these signers, hereby termed subscribers, or to their attorney or attorneys in fact, who shall be named therein, and shall therein be empowered to represent all of the said subscribers thereto or additional subscribers thereafter and their successors as such, a certificate of authority, authoriz-

ing these subscribers, through their attorney or attorneys in fact aforesaid, to issue and underwrite policies of insurance bearing all of the said subscribers' names as herein set forth; *provided*, that said association shall file in the office of said commissioner a statement in writing of the name and residence in this state of some person or persons on whom legal notices and process may be served, and renew such statement whenever required; *provided*, that said associations shall pay to the commissioner of banking and insurance, for the use of the state, for the filing of certificates and statements and copies thereof, the same fees as are now required of corporations organized and doing business under the general insurance laws of this state.

Proviso.

Proviso.

3. *And be it enacted*, That such Lloyds association shall immediately after the first of January in each and every year file with the said commissioner of banking and insurance a true statement of assets and liabilities, with total resources for the protection of policy-holders, upon blanks to be furnished by said commissioner, and that on and after the first day of July, one thousand eight hundred and ninety-five, two per centum of the premiums received by the subscribers of such Lloyds association upon policies issued by them, covering property situated within the state of New Jersey, shall be paid to the firemen's relief association in the same manner as is now required of all foreign insurance companies doing business in this state; and that whenever the commissioner of banking and insurance finds as the result of examination or by any statement filed as aforesaid that any Lloyds association of New Jersey have a less sum than forty thousand dollars on hand over all claims and liabilities, which has been doing business one year, it shall be his duty to serve a thirty days' notice upon the attorney or attorneys that if the amount is not increased to the said sum of forty thousand dollars required by this act, the charter of such Lloyds shall be forfeited to the state; and it is further required that such subscribers shall deposit with their attorney or attorneys before the issuing of any policies by any such associations known as Lloyds the sum of forty thousand dollars in cash or securities invested in

Shall file annual statement.

Percentage of premiums shall be paid to firemen's relief association.

When notice shall be served to increase cash on hand.

Failure to increase fund shall forfeit charter.

the same manner as now or hereafter required by the general insurance laws of this state.

Organizations prior to this act forbidden to do business.

4. *And be it enacted*, That no fire Lloyds organized in this state prior to this act shall be permitted to do business in this state.

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

Approved March 25, 1895.

CHAPTER CCCXXXIX.

An Act to amend an act entitled "An act concerning the power of boards of education to borrow money, issue bonds, or incur indebtedness for the purchase of land or the erection of school buildings," passed May twenty-third, one thousand eight hundred and ninety-four.

Section to be amended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section one of an act entiled "An act concerning the power of boards of education to borrow money, issue bonds, or incur indebtedness for the purchase of land for the erection of school buildings," passed May twenty-third, one thousand eight hundred and ninety-four, be and the same is hereby amended so as to read as follows:

Section as amended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall not be lawful for any board of education in any city of this state, to borrow money, issue bonds or incur indebtedness in excess of five thousand dollars for the purpose of purchasing lands or erecting any school building, without the concurrence and approval first obtained of the common council, board of aldermen or other governing body of said city; *provided, however*, that the provisions of this act shall not apply to any school district wherein moneys for school purposes are raised at an

annual or special meeting of the voters thereof; *and provided, further*, that this act shall not apply to or effect any board of education the boundary lines of whose school district extend beyond the boundary line of the town or city in which the school houses are located, into any adjoining township outside of the limits of such town or city.

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

Approved March 25, 1895.

CHAPTER CCCXL.

An Act to repeal an act entitled "An act concerning registrar of vital statistics in cities of the second class in this state," approved March eighteenth, one thousand eight hundred and ninety-five.

Act repealed.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the act entitled "An act concerning registrar of vital statistics in cities of the second class in this state," approved March eighteenth, one thousand eight hundred and ninety-five, be and the same is hereby repealed.

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

Approved March 25, 1895.

New Jersey State Library

CHAPTER CCCXLI.

A Supplement to an act entitled "An act to provide for the amicable adjustment of grievances and disputes that may arise between employers and employees, and to authorize the creation of a state board of arbitration," approved March twenty-fourth, one thousand eight hundred and ninety-two, and to end the term of office of any person or persons appointed under this act.

Persons who shall constitute board.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Samuel S. Sherwood, William M. Doughty, James Martin, Charles A. Houston, Joseph L. Moore, be and they are hereby constituted a board of arbitration, each to serve for the term of three years from the approval of this supplement, and that each arbitrator herein named shall receive an annual salary of twelve hundred dollars per annum, in lieu of all fees, per diem compensation and mileage, and one of said arbitrators shall be chosen by said arbitrators as the secretary of said board, and he shall receive an additional compensation of two hundred dollars per annum, the salaries herein stated to be payable out of moneys in the state treasury not otherwise appropriated.

Salary.

How vacancies shall be filled.

2. *And be it enacted*, That in case of death, resignation or incapacity of any member of the board, the governor shall appoint, by and with the advice and consent of the senate, an arbitrator to fill the unexpired term of such arbitrator or arbitrators so dying, resigning or becoming incapacitated.

Terms of present members terminated.

3. *And be it enacted*, That the term of office of the arbitrators now acting as a board of arbitrators, shall upon the passage of this supplement cease and terminate, and the persons named in this supplement as the

board of arbitrators shall immediately succeed to and become vested with all the powers and duties of the board of arbitrators now acting under the provisions of the act of which this act is a supplement.

Governor shall appoint successors of new board.

4. *And be it enacted*, That after the expiration of the terms of office of the persons named in this supplement, the governor shall appoint by and with the advice and consent of the senate their successors for the length of term and at the salary named in the first section of this supplement.

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

Approved March 25, 1895.

CHAPTER CCCXLII.

An Act in relation to the election of commissioners of appeal in certain townships and boroughs.

Preamble.

WHEREAS, In numerous townships and boroughs in this state, at the annual township and borough elections lately held, all of the voters or a majority of them failed to specify on their ballots the length of the term for which each commissioner of appeal was to be elected; therefore,

Election of certain officials confirmed.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in all such townships and boroughs the three persons receiving the highest number of votes for the office of commissioners of appeal shall and are hereby declared to be the legally-elected commissioners of appeal for their respective townships and boroughs, although the length of the term for which it was intended to elect them may not have been designated on said ballots.

Terms shall be assigned by lot.

2. *And be it enacted*, That said three commissioners of appeal hereinbefore declared to be the legally-elected

commissioners of appeal shall, in cases mentioned in the preamble to this act, at their first meeting held after the passage or approval of this act, determine by lot which one of said commissioners of appeal shall serve for one year, which for two years and which for three years, and each of said commissioners shall hold said office of commissioner of appeal and have, possess and enjoy all the powers and emoluments thereof for the term so determined by lot as aforesaid.

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

Approved March 25, 1895.

CHAPTER CCCXLIII.

A Supplement to an act entitled "An act to organize the board of chosen freeholders in each of the counties of this state having within its territorial limits a population of not less than seventy-five thousand inhabitants or more than two hundred thousand inhabitants," passed May ninth, one thousand eight hundred and ninety four.

Section to be amended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the third section of an act entitled "An act to organize the board of chosen freeholders in each of the counties of this state having within its territorial limits a population of not less than seventy-five thousand inhabitants or more than two hundred thousand inhabitants," approved May ninth, one thousand eight hundred and ninety-four, be and the same is hereby amended to read as follows:

Salaries fixed.

3. *And be it enacted*, That each of the members of every board of chosen freeholders elected under and by virtue of the provisions of this act shall receive as a salary and compensation for his services the sum of

three hundred dollars per annum, and the director of said board shall receive the sum of five hundred dollars per annum, to be paid out of the county treasury by the county collector, in equal quarterly payments, and that no other compensation shall be allowed, given or paid to any of said members for any services whatsoever; *provided*, *however*, that this act shall not apply to the board of chosen freeholders of any county having within its territorial limits a population of less than one hundred thousand inhabitants. Proviso.

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

Approved March 25, 1895.

CHAPTER CCCXLIV.

A Supplement to an act entitled "An act to regulate and establish a uniform rate of charges for legal advertising in New Jersey," approved March twentieth, one thousand eight hundred and fifty-seven.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That hereafter the price for publishing in the newspapers published in counties of the first class in this state, the legal notices designated in the act to which this is a supplement, shall be at the rate of ten cents per line for the first insertion, and five cents a line for each subsequent insertion, and no more; *provided*, that in computing any such charge per line for said notices the lines must average at least eight words. Rate established.

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

Approved March 25, 1895.

CHAPTER CCCXLV.

An Act to defray the expenses of the contested election case between Jacob C. Lippincott and William J. Thompson.

Treasurer authorized to pay certain amounts.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the treasurer of this state shall pay upon the warrant of the comptroller of this state, to the several persons hereinafter named, the amounts set opposite their respective names, for services and expenses in said contested election case, as follows, namely:

Item No. 1. To John W. Griggs for professional services as counsel to said committee, one thousand dollars,	$1,000 00
Item No. 2. To Knight and Gnitchel for stenographic services in reporting the testimony and proceedings of said committee, eight hundred and thirty-seven dollars and fifteen cents,	837 15
Item No. 3. To William J. Thompson, incumbent, for expenses incurred in said contest, fifteen hundred dollars,	1,500 00
Item No. 4. To John Graham, sergeant-at-arms of investigating committee, five hundred dollars,	500 00
Item No. 5. To William D. Anderson, seventy-five dollars,	75 00
Item No. 6. To Daniel F. Lane, twenty-five dollars,	25 00

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

Approved March 26, 1895.

CHAPTER CCCXLVI.

An Act concerning naturalization and regulating the procedure in cases of naturalization in courts of this state, and establishing uniform fees of clerks and judges in naturalization cases.

Certain courts shall have jurisdiction.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the supreme court and the courts of common pleas in the several counties of this state shall respectively have jurisdiction of declarations of intention, and of applications of aliens to become citizens of the United States; no other court or courts now established by this state shall entertain a primary or final declaration or application made by or on behalf of an alien to be admitted to become a citizen of the United States, receive a registry of an alien, or have or entertain jurisdiction of the naturalization of an alien; nor shall any clerk of any such court or courts receive any such declaration, application or papers.

Primary declaration of intention may be recorded and filed, and oath administered.

2. *And be it enacted*, That primary declarations of intention of aliens to become citizens of the United States may be recorded and filed in the supreme court and the courts of common pleas in the several counties of this state at any time, and the requisite and prescribed oath administered by the clerk of the court at the time of such recording and filing; a complete record of each and every of the said declarations shall be entered in the proper docket of the court by the clerk thereof, which said record the alien shall subscribe, or cause to be subscribed, and he shall also add, or cause to be added, in writing, the street and number of the house in which he resides, and the name of the city, town, village or other place where such residence is situated; *provided*, that where the street and number, as required by the provisions of this section of this act,

Record of the same shall be entered in the docket.

Proviso.

cannot be given, the place of residence shall be described with sufficient accuracy for identification.

Final action shall be had on certain days.

3. *And be it enacted*, That final applications of aliens to be admitted to become citizens of the United States, made in any of the courts of this state in which, by the provisions of this act, such applications may be made, may be filed in term time or during vacation; but final action thereon shall be had only on stated days, or during the regular terms of the said courts; every application shall be entered on the docket of the court on the day on which the application shall be made; such

Form of application.

application shall be in the form of a petition, subscribed and verified by the oath of the applicant, and shall be filed in the court to which it is presented at least fourteen days before final action thereon shall be had; the petition herein provided for shall state the place and country of the birth of the petitioner, and the exact time and place of his arrival in the United States, and shall set forth his name in full, his age and occupation, the name of the street and the number of the house in which he resides, and the name of the city, town, village or other place in which such residence is situated, and the name of the person or the names of the persons whom the said applicant intends to summon as witnesses at the final hearing upon his said application, together with the street and number of the residence or residences of such witnesses; simultaneously with the presentation and filing of the petition herein prescribed

Form of affidavit of witness.

and provided for, there shall also be filed an affidavit of a person, who must be a citizen of the United States, and who may or may not be a person whom the petitioner intends to summon as a witness at the final hearing upon his application to be admitted to become a citizen of the United States, which said affidavit shall set forth the full name, residence and occupation of the affiant, and that the affiant is a citizen of the United States and is personally well acquainted with the petitioner, and that the said petitioner has resided for five years within the United States, and one year at least immediately preceding the presentation of the petition within the state of New Jersey, and that during that time the said petitioner has behaved as a man of

good moral character, attached to the principles of the constitution of the United States, and well disposed to the good order and happiness of the same; and in applications made pursuant to section two thousand one hundred and sixty-seven of the revised statutes of the United States, and any amendments thereof, the affiant shall also declare his belief, with the grounds therefor, that for the two years next preceding the presentation of the said petition it has been bona fide the intention of the petitioner to apply to become a citizen of the United States; *provided*, that in applications where the street number as required by the provisions of this section of this act cannot be given the place or places of residence shall be described with sufficient accuracy for identification; *and provided further*, that none of the provisions and requirements of this act shall be deemed to dispense with, nor shall they or any of them dispense with, the evidence and proofs, or other requirements, provided for and required in cases of naturalization under, in accordance with and by virtue of the provisions of the revised statutes of the United States and the laws of congress.

Proviso.

Proviso.

4. *And be it enacted*, That every person who may or shall hereafter make application in any of the courts of this state, in which by the provisions of this act such applications may be made, to be admitted to become a citizen of the United States, shall give notice of his application to the clerk of the city, town, village or other place where he resides, or, if there be no clerk, then to the officer or person performing similar duties in such place of his residence, at least fourteen days before the final hearing upon his application, as aforesaid, which said notice shall contain his full name, age, occupation, residence and the name of the court in which his said petition has been filed and is pending; it shall be the duty of such clerk, or other officer or person, to make and preserve a complete record of all such notices in a form convenient for public inspection, and to give to each applicant who has given such notice a certificate that the provisions of this section of this act have been camplied with, and this certificate shall be filed by the said petitioner in the court in which his

Applicants shall give certain notice.

What notice shall state.

Clerk shall make record of notice, and issue certificate thereof.

Certificate shall be filed.

said petition is filed and pending determination before final action thereon shall be taken by the court.

Clerk shall post statement of applicant.

5. *And be it enacted*, That the clerk, or other officer or person performing similar duties, of the city, town, village or other place of the applicant's residence, shall, within seven days from the receipt of the notice prescribed in the preceding section, post in at least two public places in such city, town, village or other place, the date of the receipt of the notice, the name of the applicant, his age, occupation, residence and court in which his petition is pending, on lists with blank forms containing the following headings:

Form of statement.

DATE OF RECEIPT OF NOTICE.	NAME.	AGE.	OCCUPATION.	RESIDENCE.	COURT IN WHICH PETITION IS PENDING.

Clerk shall record final application.

6. *And be it enacted*, That a record of every final application to be admitted to become a citizen of the United States shall be kept by the clerk of the court in which such application shall be made, and shall be open to the inspection of the public, at reasonable times and upon proper demand; such record shall contain the names of all applicants, arranged alphabetically according to their surnames, and also the residences of the said applicants; it shall further state the nationality of each applicant and the form and nature of the application, whether based upon a preliminary declaration of intenton or upon a petition founded upon and made in accordance with the provisions and requirements of section two thousand one hundred and sixty-seven of the revised statutes of the United States, and any amendments thereof, or otherwise; and it shall further state the name of the witness, or the names of witnesses, summoned by the said applicant

Form of record.

and appearing upon his final application to be admitted to become a citizen of the United States, with the residence or residences of such witness or witnesses; a return shall be made annually by the several clerks, on or before the first day of February of each year, to the secretary of state, of the full name and residence of each and every person so naturalized and admitted to become a citizen of the United States during the year prior to the first day of the preceding January, together with the date of such naturalization and admission to citizenship; and the returns so made shall be filed and kept by the secretary of state in a form convenient for reference.

Clerk shall make annual return.

7. *And be it enacted*, That the fees of the clerks of all courts which, under the provisions of this act, have jurisdiction in cases of naturalization, and of the several judges of the said courts performing services in such cases, shall be the following and no more: for all services of any clerk upon the primary declaration of intention of any alien to become a citizen of the United States, including the oath or affirmation of such alien, and the record and certificate thereof, delivered to such alien, the sum of fifty cents; for the services of any such clerk upon the final application for the naturalization of any alien, and upon the completion of the proceedings necessary for any alien to become a citizen of the United States, including the filing of the petition and the record thereof, and for the certificate of the admission to citizenship to be delivered to the applicant, or to any person authorized by said applicant to demand the same, the sum of fifty cents; for the services of any such clerk in making out and preparing the petition of any applicant for presentation to the court upon the final application, in accordance with the provisions of section three of this act, the sum of fifty cents; for all the services of any judge of the said courts, required to be performed by him in such cases of naturalization, including the examination of the petition and accompanying affidavit, the oath and examination of the applicant and his witnesses, and the order that the applicant be admitted to be a citizen of the United States, the sum of seventy-five cents; no primary or final cer-

Fees.

tificate shall issue in any case of naturalization unless the fees provided for in this act shall first be paid.

Fees for like services in municipali

8. *And be it enacted*, That the fees of the clerks or other like officers or persons of cities, towns, villages or other places for the recording and posting of the notice and the issuing of the certificate provided for under the provisions of the fourth and fifth sections of this act, shall be the sum of fifty cents for each application.

Time for naturalization limited

9. *And be it enacted*, That no person shall hereafter be naturalized or admitted to be a citizen of the United States by any court of this state within the thirty days next preceding any national, state, municipal, general, special, local or charter election; *provided*, that the provisions of this section shall not prevent any applicant who may become eligible to citizenship during said period of thirty days from receiving, in the manner provided for in this act, a certificate of naturalization and citizenship on the proper day during said period, if application therefor shall have been made and allowed within one week next preceding the commencement of said period of thirty days.

Proviso.

Penalty for violation of act by clerk.

10. *And be it enacted*, That any clerk or other person who records or files any declaration or application in any case of naturalization, or issues any certificate in any case of naturalization, in violation of the provisions of this act, or any of them, shall be punished by a fine of one hundred dollars.

Political committees and candidates forbidden to pay fees.

11. *And be it enacted*, That no political committee or committee of any political party, and no person who has received or accepted a nomination for any political office, shall make any payment or promise of payment of money to or on behalf of any person for fees for the primary or final declaration or application for naturalization, or for services as attorney or counsel, or as agent or otherwise in assisting or enabling any person or persons to make such declaration or application; whoever violates any of the provisions of this section of this act shall be punished, upon conviction thereof, by a fine of not less than five hundred dollars nor more than one thousand dollars.

Penalty.

Act repealed.

12. *And be it enacted*, That chapter one hundred and

eighty-five of the laws of one thousand eight hundred and fifty-three, entitled "An act to establish uniform fees of clerks and judges in naturalization cases, and to provide for the taxation of the same," be and the same is hereby repealed.

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

Passed March 26, 1895.

CHAPTER CCCXLVII.

An Act to defray the incidental expenses of the legislature of New Jersey for the session of one thousand eight hundred and ninety-five.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the treasurer of the state of New Jersey to pay, upon the warrant of the comptroller, to the several persons hereinafter named the following amounts, that is to say: Treasurer authorized to pay certain amounts

Item No. 1. To each clergyman for opening the sessions of the senate and house of assembly with prayer during the session of eighteen hundred and ninety-five, ten dollars,	$10 00
Item No. 2. To each officer of the senate and house of assembly of the session of eighteen hundred and ninety-four, for services in opening the session of eighteen hundred and ninety-five, ten dollars,	10 00
Item No. 3. To George Austin, for services as clerk to the committee on labor and industries, session of eighteen hundred and ninety-five, two hundred dollars,	200 00
Item No. 4. To John C. Rankin Company,	

for bill files for house of assembly, session of eighteen hundred and ninety-five, seven hundred and sixteen and seventy-five one-hundredths dollars, 716 75

Item No. 5. To Anacletus Kessler, for repairing safes, house of assembly, session of eighteen hundred and ninety-five, eight and twenty-five one hundredths dollars, 8 25

Item No. 6. To Matthias Plum, for stationery, house of assembly, session of eighteen hundred and ninety-five, six hundred and forty-nine dollars, 649 00

Item No. 7. To Lysander E. Watson, for traveling expenses of assistants securing the presence of absent members, house of assembly, session of eighteen hundred and ninety-four, ten dollars, 10 00

Item No. 8. To Lysander E. Watson, for telegraph and telephone tolls, house of assembly, session of eighteen hundred and ninety-four, one and sixty-four one-hundredths dollars, 1 64

Item No. 9. To Lysander E. Watson, for expressage, house of assembly, session of eighteen hundred and ninety-five, seven and ninety-five one hundredths dollars, 7 95

Item No. 10. To Lysander E. Watson, for printing, telegrams, carriage hire and decorations for the funeral of Assemblyman Charles L. Walters, of Monmouth county, fifteen and sixty-two one-hundredths dollars, 15 62

Item No. 11. To John J. Matthews, for furnishing one hundred and fifty copies of members' pocket calendars for the senate and house of assembly, one hundred and fifty dollars, 150 00

Item No. 12. To Mrs. Elizabeth Kucker, for washing towels for senate and house of assembly, sixty-five dollars, 65 00

Item No. 13. To John D. Allward, for extra services as assistant to the clerk of the

house of assembly, session of eighteen hundred and ninety-five, fifty dollars, 50 00

Item No. 14. To George W. Peak, for extra services as clerk to the committee on municipal corporations of the house of assembly, one hundred dollars, 100 00

Item No. 15. To Ira S. Smith, doorkeeper of the session of eighteen hundred and ninety-four, for services at organization of house of assembly of eighteen hundred and ninety-five, ten dollars, 10 00

Item No. 16. To William H. Rea, for furnishing parchments and engrossing oaths of senators, members of assembly and officers of the legislature, session of eighteen hundred and ninety-five, fifty dollars, 50 00

Item No. 17. To William H. Corbin, for services as counsel for house of assembly managers in the Connelly impeachment trial, two hundred and fifty dollars, 250 00

Item No. 18. To The John L. Murphy Publishing Company, for stationery and supplies furnished the speaker of the house of aesembly, session of eighteen hundred and ninety-five, fifty-one and sixty-five one-hundredths dollars, 51 65

Item No. 19. To The New Jersey Freie Zeitung, for furnishing five thousand copies of the governor's message in the German language, session of eighteen hundred and ninety-five, two hundred and seventy-one and seventy one-hundreths dollars, 271 70

Item No. 20. To The John L. Murphy Publishing Company, for furnishing stationery and supplies to L. E. Watson, sergeant-at-arms of the assembly, session of eighteen hundred and ninety-five, seven hundred and twenty-five and twenty-five one-hundreths dollars, 725 25

Item No. 21. To The John L. Murphy Publishing Company, for furnishing stationery and supplies to Edgar Williams, engrossing clerk of the assembly, session of eighteen hun-

dred and ninety-five, one hundred and twenty-one and ten one-hundredths dollars, 121 10

Item No. 22. To The John L. Murphy Publishing Company, for furnishing stationery and supplies to James Parker, clerk of the house of assembly, session of eighteen hundred and ninety-five, two hundred and ten and ninety one-hundreths dollars, 210 90

Item No. 23. To W. S. Snyder, for services as clerk to the incidental committee, session of one thousand eight hundred and ninety-five, seventy-five dollars, 75 00

Item No. 24. To E. B. Sterling, for services to the engrossing clerk, house of assembly, as per resolution of the house February twenty-eighth, eighteen hundred and ninety-five, session of one thousand eight hundred and ninety-five, fifty dollars, 50 00

Item No. 25. To Alphonzo M. Pycraft, for services to the engrossing clerk, house of assembly, as per resolution of the house February twenty-eighth, one thousand eight hundred and ninety-five, session of one thousand eight hundred and ninety-five, fifty dollars, 50 00

Item No. 26. To Advocate Publishing Company, for stationery furnished the senate and express charges, session of one thousand eight hundred and ninety-five, fifty-five dollars, 55 00

Item No. 27. To Robert H. Ingersoll, for services as assistant journal clerk of the senate, session of one thousand eight hundred and ninety-five, one hundred dollars, 100 00

Item No. 28. To The John L. Murphy Publishing Company, for bill calendar, altering stamp, and printing slips for the senate, session of one thousand eight hundred and ninety-five, twenty-two dollars, 22 00

Item No. 29. To J. L. Landis, for stationery furnished sergeant-at-arms of the senate, session of one thousand eight hundred and ninety-five, thirty-six dollars, 36 00

Item No. 30. To The John L. Murphy

Publishing Company, for stationery and supplies furnished to engrossing clerk of the senate, session of one thousand eight hundred and ninety-five, one hundred and thirty-eight and eighty one-hundredths dollars, 138 80

Item No. 31. To The Stoll Blank Book and Stationery Company, for stationery and supplies for the senate, session of one thousand eight hundred and ninety-five, two hundred and eighty-four and ninety one-hundredths dollars, 284 90

Item No. 32. To The John L. Murphy Publishing Company, for stationery and supplies furnished the secretary of the senate, session of one thousand eight hundred and ninety-five, one hundred and seventy-one and twenty-five one-hundredths dollars, 171 25

Item No. 33. To Charles V. Hance, for services as postmaster of the senate, session of one thousand eight hundred and ninety-five, one hundred and twenty-five dollars, 125 00

Item No. 34. To John C. Rankin, for bill files furnished the senate, session of one thousand eight hundred and ninety-five, one hundred and ninety-three and twenty-five one-hundredths dollars, 193 25

Item No. 35. To Frank Thompson, for services as keeper of the cloak-room of the senate, session of one thousand eight hundred and ninety-five, one hundred and fifty dollars, 150 00

Item No. 36. To M. S. Veatch, for extra services in engrossing clerk's department of the senate, session of one thousand eight hundred and ninety-five, one hundred and thirty-five dollars, 135 00

Item No. 37. To James H. Mulheron, for supplies for house of assembly, session of one thousand eight hundred and ninety-five, two hundred and twenty-five and seventy-seven one-hundredths dollars, 225 77

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

Approved March 26, 1895.

CHAPTER CCCXLVIII.

An Act to authorize townships of this state, either separately or jointly, either with other townships or any municipal corporation except cities, to acquire and own lands for hospital purposes and to erect and maintain thereon hospitals and to pay for the same, and to convey such lands or any portion thereof when not needed for hospital purposes.

Committee may acquire lands and erect hospitals.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever the township committee of any township of this state shall deem it advisable to provide a hospital for persons having contagious diseases, and for other hospital purposes, it shall be lawful for any such township committee to acquire and own lands in the corporate name of such township, whether such lands are situate in said township or out of it, for hospital purposes, and to erect and maintain thereon a hospital, and to pay for the same from any money or funds of such township not otherwise appropriated, or which may be available for the purpose, or to obtain temporary loans for the purpose and to provide for payment of such loans in the succeeding tax levy by taxes to be assessed and collected in the same manner as other taxes are assessed and collected for such township, and to convey such lands so acquired, or any portion thereof, when not needed for hospital purposes; but when such lands are situate out of the limits of any such township as acquires title to the lands, then before using such lands for hospital purposes for persons having contagious

May make temporary loans and provide for payment thereof.

When consent of another township shall be had.

diseases, there shall be obtained the consent of either the board of health or township committee of the township within the limits of which such lands lie and such hospital is erected, that the same may be used for the purposes aforesaid; but the total expenditure for land and buildings for hospital purposes shall not exceed one-tenth of one per centum of the total sum of assessments for one year for the purpose of taxation in such township, as shown by the duplicate or other records of assessments for the previous year.

Total expenditure limited.

2. *And be it enacted*, That it shall be lawful for any two or more townships either with each other, or one or more townships with one or more other municipal corporations, excepting cities, to jointly exercise all the power and authority given to separate townships in the first section of this act, and such townships are hereby authorized to make all necessary agreements for the purpose of so doing, and for doing all that any township is authorized to do separately by said first section of this act, including the power and authority to acquire and convey, as aforesaid, land inside or outside of the limits of any township.

Two or more townships may unite.

3. *And be it enacted*, That any hospital or hospitals which may be provided under the provisions of this act, shall be in charge and under the control of the township committee of the township which acquires land and provides hospital buildings, as aforesaid; but when two or more townships, or one or more townships with one or more other municipal corporations, jointly provide a hospital, as any township or townships are authorized to do in section two of this act, then such hospital shall be in charge and under control of the township committees of the two or more townships, or of the township committees of one or more townships exercised jointly with the municipal authorities of such municipal corporation or municipal corporations, as the case may be.

How control shall be exercised.

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

Approved March 26, 1895.

CHAPTER CCCXLIX.

An Act to provide for the furnishing of stationery and other necessary supplies for the use of the senate and general assembly.

Comptroller shall furnish supplies for legislature.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be the duty of the state comptroller to furnish all the stationery, books and all other supplies for the use of the senate and general assembly in the conduct of legislative business.

Shall advertise for bids.

2. *And be it enacted*, That the state comptroller shall compile a list of all articles needed by the senate and general assembly, and obtain, by public advertisement in two or more newspapers published within this state, bids for the necessary supplies as aforementioned, and such supplies shall be furnished by the lowest responsible bidder, who shall deliver all such goods on or before the twentieth day of December of each year; *provided*, that the cost shall not exceed the sum of fifteen dollars for each member of the senate and general assembly.

Contract shall be awarded to lowest bidder.

Proviso.

Supplies shall be furnished on requisition.

3. *And be it enacted*, That all supplies, as before mentioned, shall be furnished to each senator and member of the general assembly upon his written requisition, and not otherwise.

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

Approved March 26, 1895.

CHAPTER CCCL.

An Act authorizing and validating the sales of certain church and parsonage property of the Methodist Episcopal church and other churches or religious societies.

Trustees of any methodist church authorized to sell and convey church and personal property.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the present trustees of any Methodist Episcopal or any other church or religious society and their successors in office, or a majority of them, are authorized and empowered to sell at public or private sale, and convey in fee simple or otherwise, all such church and parsonage property, together with all the estate, right, title and interest which the said trustees or stewards or other officers now have or may have in the same by virtue of any deeds of conveyance or otherwise, whenever any such church or religious society may authorize and direct such sale thereof, by a majority of its members present at any meeting called by said trustees at its usual place of public worship, after at least ten days' notice of the time and place and object of such meeting, by an advertisement set up in open view at or near such place of meeting, signed by the president and secretary of said board of trustees or by a majority of said trustees.

Sales and conveyances heretofore made validated. Proviso.

2. *And be it enacted*, That all such sales and conveyances heretofore made by such trustees are hereby validated and confirmed; *provided*, they have been or shall be authorized and approved by a majority of the members of such church or religious society present at a duly called meeting thereof.

epealer.

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

Approved March 28, 1895.

CHAPTER CCCLI.

An Act to provide for the appointment of commisioners to revise the laws of this state relative to corporations, and to prepare a bill for that purpose.

Commissioners named and their duties prescribed.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That William H. Corbin, James E. Howell and Henry M. Snyder be and they are hereby appointed commissioners, whose duty it shall be to revise and codify the "Act concerning corporations" [Revision], approved April seventh, one thousand eight hundred and seventy-five, and the several subsequent acts supplementary thereto and amendatory thereof, and to incorporate such amendments as they may deem wise and necessary to perfect the system of general corporation laws of this state.

Shall organize and adopt rules of procedure.

2. *And be it enacted*, That said commissioners shall organize by the election of one of their number as president and the appointment of a secretary; they shall have power to adopt their own rules of procedure and to employ such clerical assistance as may be necessary for the transaction of their business and to fix the compensation therefor, which compensation, as also all expenses incurred for printing and clerical assistance, shall be paid by the state treasurer on the certificate of the president and the warrant of the state comptroller.

Compensation and expenses shall be paid by treasurer

Shall submit bill and suggestions to the legislature.

3. *And be it enacted*, That said commission shall convene and conclude their labors as speedily as may be and submit the bill prepared, together with such suggestions as they may deem expedient, to the legislature on the first day of its next session.

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

Approved March 28, 1895.

CHAPTER CCCLII.

An Act to amend "An act concerning roads" [Revision], approved March twenty-seventh, one thousand eight hundred and seventy-four.

Section to be amended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section twenty-six of "An act concerning roads," approved March twenty-seventh, one thousand eight hundred and seventy-four, is hereby amended so as to read as follows:

Section as amended.

26. *And be it enacted*, That if any such owners, applicant or applicants shall be dissatisfied with the assessment of the surveyors, such owner or applicant or applicants, within two years after return made as aforesaid, having given ten days' notice in writing to the other party of the object, time and place of such intended application, may apply to the justice of the supreme court or a judge of the court of common pleas of the county wherein such land is situated, which justice or judge shall forthwith appoint three competent and disinterested freeholders of such county, who, or a majority of them, shall have power to review such assessments, and may diminish or increase the same as they, under the circumstances, shall deem equitable and just, and make report thereof in writing under their hands forthwith, to be filed in the office of the clerk of said county, and the same shall be and remain final and conclusive; *provided*, that such freeholders meet upon like notice as aforesaid, and be duly sworn or affirmed to execute the duties aforesaid before they enter upon the discharge thereof.

Approved March 28, 1895.

CHAPTER CCCLIII.

An Act to authorize the board of health in cities of the first class in this state to condemn and prohibit the sale or use of impure ice or ice cut from polluted streams.

Sale of impure ice may be forbidden.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the board of health of each of the cities of the first class in this state shall have authority to provide by ordinance for the prohibition of the use or sale of impure ice or ice cut from polluted ponds or streams, and in order to properly carry out and enforce the provisions of such ordinance to provide that all dealers in ice for domestic or public use shall obtain from the health authorities of such cities a permit, and to fix in such ordinance a penalty for the violation of the same, which shall not exceed a fine of fifty dollars for each offense.

Penalty.

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

Approved March 28, 1895.

CHAPTER CCCLIV.

A Supplement to an act entitled "A further supplement to an act entitled 'An act concerning roads' [Revision], approved March twenty-seventh, one thousand eight hundred and seventy-four," which said supplement was approved March twelfth, one thousand eight hundred and ninety-one.

Appropriation shall not be invalidated because estimate was exceeded.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That no appropriation heretofore made for road purposes in any township shall be held to be invalid by reason of the fact that any such appropriation exceeded the amount estimated and published by the township committee to be raised for road purposes, and notwithstanding the fact that no estimate shall have been made by the township committee and published as directed in the fifth section of said supplement.

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

Approved March 28, 1895.

CHAPTER CCCLV.

An Act to amend an act entitled "An act to amend an act entitled 'A supplement to an act entitled "An act to regulate the practice in courts of law," approved March twenty-seventh, one thousand eight hundred and seventy-four,' which said supplement was approved March fourteenth, one thousand eight hundred and ninety-three," and which act to amend was approved April twenty-fifth, one thousand eight hundred and ninety-four.

Section to be amended.

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

Section as amended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That where any action or suit has heretofore been commenced, or shall hereafter be commenced, in any court of law of this state, under or by virtue of any statute or at common law, and said action or suit has been or shall hereafter be dismissed, abated, non-suited, or a judgment shall have been or shall be entered against the defendant or defendants, therein, by reason of the failure of the attorney or attorneys in such action or suit to file any pleading within the time limited by law, or by reason of the filing by such attorney or attorneys of an insufficient or improper pleading, it shall be the duty of said court or of any judge thereof to revive and reinstate said action or suit or to open said judgment and permit a proper and sufficient pleading to be filed upon such terms as may seem to said court or judge to be equitable and just, if in the opinion of said court or judge the failure to file said pleading, or the filing of said insufficient or improper pleading, was due to the neglect,

fault, error or mistake of said attorney or attorneys, and injury or wrong has or may result to the defendant or defendants, by reason of such neglect, fault, error or mistake; *provided*, *however*, that no action or suit which has been or shall be dismissed, abated, non-suited, or in which a judgment shall have been or shall be entered against the defendant or defendants therein, for the reason above stated, shall be revived, reinstated or opened, unless application for that purpose be made within one year from the date of such dismissal, abatement, non-suit or judgment. Proviso.

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

Approved March 28, 1895.

CHAPTER CCCLVI.

An Act to provide for the paid-up or cash surrender values of life insurance policies.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever any policy of life insurance hereafter issued by any domestic life insurance corporation of this state, after being in force three full years, shall, by its terms, lapse or become forfeited for the non-payment of any premium or note given for a premium or loan made in cash on such policy as security, or of any interest on such note or loan, the net reserve on such policy, including existing dividend additions, computed according to the American experience table of mortality at the rate of four and one-half per centum per annum, shall, on demand made in writing, with the surrender of the policy within three months after such lapse or forfeiture, be taken as a single premium of life insurance at the published When policy shall be continued, and terms thereof.

rates of the corporation at the time the policy was issued, and shall be applied, as shall have been agreed in the application or policy, either to continue the insurance of the policy in force at its full amount, including dividend additions, so long as such single premium will purchase temporary insurance for that amount at the age of the insured at the time of the lapse or forfeiture, or to purchase upon the same life, at the same age, paid-up insurance, payable at the same time and under the same conditions, except as to payment of premiums, as the original policy; if no such agreement be expressed in the application or policy, such single premium may be applied in either of the modes above specified, at the option of the owner of the policy, notice of such option to be contained in the demand hereinbefore required to be made to prevent the forfeiture of the policy.

Indebtedness shall be paid in cash.

2. *And be it enacted*, That if there be any indebtedness on the policy which has been acknowledged by the assured in writing, such indebtedness shall be paid off in cash before the provisions of this act shall be applicable to the policy.

How net value of insurance shall be computed.

3. *And be it enacted*, That the net value of the insurance given for such single premium under this act, computed according to the American experience table of mortality, with interest at the rate of four and one-half per centum per annum, shall in no case be less than two-thirds of the entire reserve, computed according to the rule prescribed in this act; but such insurance shall not participate in the profits of the corporation.

When excess shall be paid in cash.

4. *And be it enacted*, That if the reserve upon any endowment policy applied according to the provisions of this act, as a single premium of temporary insurance be more than sufficient to continue the insurance to the end of the endowment term named in the policy, and if the insured survive that term, the excess shall be paid in cash at the end of such term, on the conditions on which the orginal policy was issued.

When policy shall be incontestable.

5. *And be it enacted*, That any policy issued by any insurance company of this state shall be incontestable after two years from its date of issue, provided all due

premiums have been paid, except that such policy may be adjusted for misstatement of age in the application for original policy.

Optional to pay cash on certain policies.

6. *And be it enacted*, That on policies of prudential or industrial insurance the paid-up value of which, in accordance herewith, shall be less than fifty dollars, it shall be optional with the company issuing such policy to pay to the legal holder or holders thereof the cash equivalent; and upon such payment, the company shall be absolutely released from all further claims or demands whatsoever, under or by reason of said policy, which shall thereupon be canceled.

Act shall not apply in certain cases.

7. *And be it enacted*, That the provisions of this act shall not apply to policies issued on the lives of persons under twelve years of age, until three years after such persons shall attain that age.

Repealer.

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

Approved March 28, 1895.

CHAPTER CCCLVII.

An Act relating to a state reformatory.

Preamble.

Whereas, It is deemed advisable that there shall be a state reformatory in this state for the custody and confinement of criminals between the ages of sixteen and thirty, who have not been previously sentenced to a state prison in this or any other state or country, and of persons convicted for the first time of a crime not involving moral turpidity; therefore,

Governor shall appoint commissioners.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That there shall be appointed by the governor of this state, six competent persons as commissioners to build an intermediate

prison for the criminal classes which said commissioners shall not receive any compensation for the services hereby imposed upon them, but they shall be entitled to receive their traveling and other official expenses, which shall be paid upon the approval of the governor by the treasurer on the warrant of the comptroller, and the said commissioners shall be in no way concerned in any contract for the erection of the said building or furnishing of supplies of any kind for the same.

Expenses only shall be paid.

Shall not be interested in the contracts.

May use certain farm.

2. *And be it enacted*, That the said commissioners are hereby authorized and empowered to set apart for the use of the reformatory, and take possession of, the property known as the Edgar farm, belonging to the sinking fund of this state, located in the county of Union, and also such other portion of said farm, if any, as may be located in the county of Middlesex, or so much of said property as in their judgment may be necessary, and may add thereto by purchase any adjoining property which may be necessary to the completeness of the site, at a cost not exceeding ten thousand dollars.

And add thereto by purchase.

May select and appoint architect, etc., prepare plans and superintend erection of buildings.

3. *And be it enacted*, That said commissioners shall have power to select and appoint such architects, superintendents and other persons necessary, with such compensation as may be fixed upon, who, together with themselves, shall prepare and mature a plan for the construction of suitable buildings for the state reformatory and superintend its erection, which, when completed, shall have a capacity of not less than one thousand prisoners, and to be so constructed as to admit of the classification of prisoners; the said plan drawn out in detail shall be approved by the governor, or such experts as he may select for deciding upon the propriety of the same; and no change shall be made in the said plan to materially affect its general character without the consent of the governor or said experts in writing; and said architects, superintendents or experts shall be paid for their services by the treasurer of the state, on the warrant of the comptroller, upon the approval of the governor.

Governor shall approve plan.

Employes shall be paid for services.

May construct building by contract or otherwise.

4. *And be it enacted*, That said commissioners shall within thirty days after they have been duly qualified,

commence the erection of the buildings provided for under the provisions of this act, either by contract or otherwise, as they may deem best for the interests of the state; if by contract, they shall invite, by public notice, proposals for building the same according to the plans and specifications adopted, stating the time and place where the said proposals will be received, reserving to themselves the privilege of accepting or rejecting such proposals as they may deem for the best interests of the state.

If by contract bids shall be advertised for.

5. *And be it enacted*, That to enable said commissioners to purchase the land necessary, erect main building, walls, a hospital and to furnish complete two wings of the building under the plan as adopted by said commissioners, the sum of one hundred thousand dollars be and the same is hereby appropriated, to be paid by the treasurer of the state, on the warrant of the comptroller, from time to time upon requisition of the commissioners.

Amount appropriated.

6. *And be it enacted*, That the said commissioners shall keep a full record of their proceedings, and render a report of the same in detail to the governor and legislature upon completion of the main building, hospital and one wing of the reformatory, and at such other times as may be required by the governor or legislature, which report shall embrace an account of the money expended and for what purpose, and also the progress made in the erection of the said reformatory, and they shall hold their meetings at the state capitol, at Trenton, in such office or rooms as shall be designated by the governor for their uses for the purpose of such meetings.

Shall report in detail.

Meetings shall be held at the state capitol.

7. *And be it enacted*, That the commissioners shall severally give bonds to the state in the sum of ten thousand dollars each, with two sufficient sureties, to be approved by the state treasurer, conditioned to the faithful performance of the duties imposed upon them by this act.

Commissioners shall give bonds.

8. *And be it enacted*, That in case of a vacancy in the commissioners by death, resignation or otherwise, the governor shall appoint a suitable person or persons to fill the vacancy, but any such appointment to fill a

Governor shall fill vacancies.

vacancy shall not extend beyond the next succeeding session of the legislature.

Title of reformatory.

9. *And be it enacted*, That the intermediate prison to be built in conformity with the provisions of this act shall be known by the name, style and title of the "New Jersey state reformatory," and that for the purpose of organizing the details connected with the opening of said reformatory, and for the purpose of opening the same for the admission of convicts as soon as practicable after the main building, hospital and one of the wings of the reformatory shall have been completed, the aforesaid commissioners are hereby constituted a board of managers for said reformatory for the term of three years, and until their successors have been confirmed by the senate and duly qualified, said term of present board of managers to commence and take effect from the date of their appointment under provision of section one, as commissioners; they shall severally give bonds to the state in the sum of ten thousand dollars each, with two sufficient sureties, to be approved by the state treasurer, conditioned to the faithful performance of the duties imposed upon them by this act as managers of the New Jersey state reformatory; upon their qualifying as a board of managers, as hereinbefore provided, then their duties as commissioners shall terminate and cease, and they shall thereupon report to the governor and legislature a full and complete statement of their operations as commissioners, but the restrictions against their compensation and their being interested or concerned in contracts for buildings or furnishing supplies, as provided for under section one of this act for them as commissioners, shall remain in full force, and be equally applicable to, and binding upon them as a board of managers, as if the title of their commissions had not been changed under this section; and if at the expiration of their terms as commissioners, as hereinbefore provided, there remains unexpended any of the sum appropriated to them as commissioners, it shall be paid to them by the treasurer of the state for the purposes provided for under section five of this act, from time to time, on the warrant of the comptroller upon requisition of the board

Commissioners constituted a board of managers.

Shall give bond with surety, as managers, when their duties as commissioners shall cease.

of managers, instead of as hereinbefore provided upon requisition of the commissioners; in case of a vacancy in the board of managers by death, resignation or otherwise, the governor shall appoint a suitable person or persons to fill the vacancy, but any such appointment shall not extend beyond the next succeeding session of the legislature.

Governor shall fill vacancies.

10. *And be it enacted*, That the said managers shall hold stated meetings once a month at the said reformatory, and special meetings whenever they may deem necessary; they shall, at their first meeting after the passage of this act, elect out of their number a president and secretary and two acting managers, who shall continue such for so long a term as a majority of said managers shall direct; and they shall also at said meeting appoint as warden a person who, from practical experience, possesses the ability and qualifications necessary to successfully carry on the industries of the reformatory, and who possesses the executive ability essential to the proper management of the officers and other employees under his jurisdiction, and to enforce and maintain proper discipline in every department; said warden shall hold his office for five years, unless sooner removed for cause.

Managers shall hold stated and special meetings.

Elect officers.

Appoint a warden and other officers and employees, and enforce discipline.

11. *And be it enacted*, That it shall be the duty of the warden, by and with the advice and consent of the board of managers, to appoint the following-named officers, whose compensation shall be as follows:

Warden may appoint certain officers.

Deputy warden, not to exceed twelve hundred dollars per year;

The clerk, not to exceed fifteen hundred dollars per year;

The assistant clerk, at the discretion of the managers, not exceeding ten hundred dollars a year;

The steward, not to exceed twelve hundred dollars per year;

The superintendents of the yard, kitchen, state shops and hospitals, and officers in charge of the guard-room, not to exceed seventy-five dollars each a calendar month;

The physician, not to exceed fifteen hundred dollars per year;

All other guards at the rate of sixty-five dollars each a calendar month; *provided*, each guard shall be allowed not to exceed each fourteen days' vacation each year without reduction of pay.

Proviso.

Superintendents of the different industrial departments may be appointed when necessary to do so, at a salary not to exceed twelve hundred dollars each year; and the warden may also appoint, as hereinbefore provided, such other officers and employees as may be necessary to carry on the educational, moral and religious features of the institution, each of whom shall receive not to exceed seven hundred and eighty dollars a year; the appointees herein provided for shall be selected for their fitness and qualifications for the positions to which they may be appointed or employed; they shall be paid for their services by the treasurer monthly, upon the warrant of the comptroller, and upon orders drawn by any two of said managers; but no officer hereinbefore provided for shall perform any duty or receive any compensation until his appointment shall have been approved by the managers, or a majority of them, and provided the number appointed shall be as nearly as possible divided between the two representative political parties; and the said warden, with the consent of the board of managers, or a majority of them, may dismiss any or all of said officers, and shall dismiss any of them when required so to do by the unanimous action of said managers; and before said warden shall exercise any part of his office he shall give bonds to this state, with two sufficient sureties, to be approved by the treasurer of this state, in the sum of twenty-five thousand dollars, with the condition that he and the officers appointed by him shall well and faithfully perform the duties imposed on them by law; and said warden, with his sureties, shall acknowledge the execution of said bond, or cause the same to be proved before the governor or one of the justices of the supreme court of this state, and shall then deliver the same to the secretary of this state, who shall cause the same to be recorded and filed in his office; and copies of said record, legally exemplified by said secretary, shall be legal evidence in

How appointees shall be selected.

Appointees shall be approved by managers.

Employes may be dismissed.

Warden shall give bond.

Bond shall be recorded and filed.

all courts of this state in any suit against said warden and his sureties, or any of them.

Salary and perquisites of warden.

12. *And be it enacted*, That the warden shall receive an annual salary not to exceed twenty-five hundred dollars, payable by the treasurer of the state upon the warrant of the comptroller, and upon orders drawn by any two of the board of managers, together with his necessary fuel and light; and said warden shall reside at said reformatory during the term of his office; he shall not absent himself from the reformatory, except on business of the reformatory, without permission in writing from two of the managers, but the board of managers may, by rule, make such modification or alteration as they may find necessary from time to time.

Terms of clerk and physician.

13. *And be it enacted*, That the clerk and physician shall be appointed for a term of three years and until their successors shall have been appointed and confirmed, as hereinbefore provided, unless (sooner) removed for cause by the board of managers.

Managers shall make rules and regulations for government of reformatory,

14. *And be it enacted*, That the board of managers shall have power to make such rules and regulations for the general government and regulation of the reformatory, and matters relating thereto, as they may deem necessary and proper, consistent with the laws of this state; they shall have power to prescribe, define and regulate the duties of all officers provided for in the tenth and eleventh sections of this act; and they shall cause the same to be written or printed, and copies thereof to be furnished to the warden and his deputies and assistants, the physician and clerk of the reformatory and all other officers and persons connected with the reformatory shall conform to and obey the same.

And for the purchase of materials and supplies, etc.

15. *And be it enacted*, That the board of managers shall have power to make general regulations to govern the warden in the purchase of materials and supplies and articles necessary for the reformatory, the hiring out the labor of the prisoners and the sale of articles manufactured or prepared therein; and they may, if they think proper at any time and by special resolution, require that all or any of such purchase, hiring or sale shall be made by contract awarded after adver-

tisement to the best bidders; they shall, from time to time, as often as they think proper, carefully inspect the account of the warden and examine into his dealings, contracts and transactions in relation to the reformatory and the business thereof.

Managers shall have general charge of grounds, construction of shops, etc.

16. *And be it enacted*, That the said board of managers shall have the charge and general superintendence of the grounds and the grading and improvement thereof, and the construction of the shops and of the inclosure, and they are hereby authorized to purchase the necessary building materials for the same, and are authorized to supply such mechanical and other assistance as shall make effective the labor of the inmates of said reformatory; all purchase of materials and supplies to an amount exceeding five hundred dollars shall be made by contract, awarded to the lowest responsible bidder, after notice for two weeks published in one daily paper having the largest circulation in the cities of Jersey City, Newark and Trenton, of the day and hour when sealed proposals will be received for the supply of the materials and supplies required, and expenses of such materials or supplies shall be audited by the comptroller, and on his warrant paid by the treasurer of the state.

Certain purchases shall be by contract.

Managers shall make report.

17. *And be it enacted*, That it shall be the duty of the board of managers, on the thirty-first day of October, in each year, to make a report of the reformatory to the governor, to be by him submitted to the legislature, of the condition of said reformatory and their proceedings in regard to the inmates, and the progress of the work of construction and the amount of money received and expended, with a detailed statement thereof, with such recommendations as the board of managers shall deem proper.

Power and duties of the warden.

18. *And be it enacted*, That the warden shall have the sole power, subject to the power of restriction and regulations above given to the board of managers, to contract for and purchase all clothing, provisions, supplies and other articles required under the laws of the state for the proper support, comfort and maintenance of the prisoners, and the bills for such purchases shall be approved by the board of managers, audited by the

comptroller, and upon his warrant paid by the treasurer of the state; and he shall sell and dispose of all articles manufactured or prepared by the prisoners whose labor is not hired out, and shall receive all moneys for the articles sold and work done, and all moneys on the contracts for the labor of the prisoners, as the same shall become due, and shall make monthly statements thereof to the comptroller and the board of managers, and shall pay over the same, monthly, to the treasurer of the state; and he may, subject as aforesaid, if he thinks proper, advertise for proposals or bids for contracts for the labor of the prisoners, or any part of them, or the purchase of any articles manufactured or prepared in the prison, or for the furnishing of any clothing, provisions, materials, or other articles of any kind required for the use of the prison or the maintenance or support of the prisoners, and such advertisement shall be made for at least thirty days in at least three newspapers published in this state, such advertisement to be inserted in one paper in each of the cities of Jersey City, Newark and Trenton having the largest daily circulation, and the contracts made thereon shall be made with the best bidders, subject to approval of the board of managers; *provided*, that nothing in the section shall be deemed or taken or construed to authorize said warden or board of managers to contract with any person or corporations to hire or contract for the labor of the prisoners or any part of them in or about the business of the making or manufacturing of felt and silk hats or any part or parts thereof, *provided*, *further*, that nothing in this section shall be deemed, taken or construed to authorize said warden or board of managers to employ, contract or hire out the labor of the prisoners or any part of them exceeding one hundred persons in number at any time in the prosecution or conduct of any special branch of industry, trade or business, or making or manufacturing goods, wares or merchandise of any kind whatsoever; *and provided*, *also*, that all goods or wares manufactured in the reformatory and offered or exposed for sale shall be marked, stamped or tagged with the words "manufactured in the New Jersey state reformatory," in accordance with the provi-

Proviso.

Proviso.

Proviso.

sions of an act entitled "A further supplement to an act entitled 'An act for the government and regulation of the state prison,' approved April twenty-first, one thousand eight hundred and seventy-six," which supplement was approved April thirtieth, one thousand eight hundred and eighty-seven.

Shall cause account of stock, etc., to be kept.

19. *And be it enacted*, That said warden shall cause full and regular accounts of the stock, materials, tools and implements, provisions, clothing, supplies and other articles by him purchased and supplied to the prison, and of all the articles manufactured or prepared therein, and sold or disposed of, and the sums for which they were sold and to whom, to be entered and kept by the clerk of the prison, under his supervision, in books provided for the purpose; and he shall close his accounts for each year on the thirty-first day of October in each year, and shall have them ready for examination and settlement on the second Tuesday of November following, and shall lay the same before the board of managers, the committee appointed by the legislature to settle the accounts of the reformatory and the legislature itself at such times as it shall direct.

And make annual statement.

Further duties of the warden.

20. *And be it enacted*, That said warden shall receive and take into said reformatory all male criminals between the ages of sixteen and thirty years, and not known to have been previously sentenced to a state prison or penitentiary on conviction for a felony, in this or any other state or country, who shall be legally sentenced to said reformatory on conviction of any criminal offense in any court having jurisdiction thereof, and any such court may, in its discretion, sentence to said reformatory any such male person convicted of a crime, punishable by imprisonment in a state prison, between the ages of sixteen and thirty years as aforesaid; the discipline to be observed in said prison shall be reformatory, and the said managers shall have power to use such means of reformation consistent with the improvement of the inmates as they may deem expedient; criminals may be employed in agricultural or mechanical labor as a means of their support and reformation; the system of labor shall be that known as the "piece-price plan" or "public account system,"

as provided for in the act approved April eighteenth, one thousand eight hundred and eighty-four, entitled "An act to provide for the employment of the inmates of any prison, penitentiary, jail or public reformatory institution located within the state," or partly by one system and partly by the other, as shall be in the discretion of the board of managers deemed best.

When courts may commit offenders to the reformatory.

21. *And be it enacted*, That from and after the passage of this act, and as soon as such portion of the reformatory shall be completed as will permit of the reception of and safe custody of prisoners, the board of managers shall file notice of such fact with the county clerks of all the counties of this state, and then it shall be lawful, and the courts of this state are hereby authorized to sentence the class of offenders mentioned in the twentieth section of this act, convicted of any criminal offense, to the said reformatory instead of the state prison, when such criminals are between the ages of sixteen and thirty years.

Duties of warden, clerk and deputies on reception of convicts.

22. *And be it enacted*, That each convict, upon being received at the reformatory, be examined by the warden, clerk and as many of the deputy keepers as can conveniently attend, in order to their becoming acquainted with the person and countenance of such convict, his name, height, apparent and alleged age, place of nativity, trade, complexion, color of hair and eyes and length of feet, together with such natural and other marks and such peculiarities of features or appearance as may serve to identify such convict, all of which shall be entered in a book provided for that purpose; and if the convict can write he shall sign his name under such description of his person and in such description shall be stated the clothes and other articles brought to the prison by such convict, all of which shall be taken from him and carefully preserved, to be restored to him at the time of his discharge, unless they shall be otherwise disposed of by order of the managers.

When inmates may be employed in construction of building and convicts may be be tranferred from state prison.

23. *And be it enacted*, That after the completion of the main building and one wing of the reformatory, the labor necessary for the construction of shops and the inclosures of the grounds upon which the reformatory is located, and for the completion of the unfinished

portions of the reformatory, shall be performed by the inmates, as far as may be practicable, and it shall be the duty of the principal keeper of the state prison to select such number of inmates from the state prison as shall, as nearly as may be, come within the twentieth section of this act, as to age and crime, and transfer the same to the reformatory, as shall be requested by the board of managers of the reformatory, to labor on the unfinished inclosure or the buildings or the shops, as may be best adapted for the kind of mechanical labor required; and the actual expense for such transfer shall be audited by the comptroller and paid by the treasurer of the state when the same shall be approved by the governor.

Prison keeper shall deliver copies of commitments.

24. *And be it enacted*, That when any prisoner shall be transferred from the state prison to said state reformatory under the provisions of the act, it shall be the duty of the principal keeper of the state prison from which he is removed to deliver to the warden of the reformatory to which he is removed a certified copy of the official documents and papers under the authority of which the said prisoner was received and under which he is detained, and the said certified documents and papers shall be as full and ample authority for detaining such prisoner in the reformatory to which he is removed until discharged by due process of law as if such prisoner had not been so removed.

Allowance of sheriffs for transportation of prisoners.

25. *And be it enacted*, That all sheriffs shall be allowed for transportations of prisoners sentenced to the state reformatory the same rate per mileages, to be paid in the same manner as now allowed and paid under the laws of the state for transportation of prisoners sentenced to the state prison, and it shall be the duty of all sheriffs to convey all prisoners sentenced to the state reformatory in the same space of time and in the same manner as now prescribed by law for the conveyance of prisoners sentenced so state prison, and it shall be the duty of the county clerks to deliver to the sheriffs certified copies of commitments and bills of costs of all prisoners sentenced to said reformatory in the same manner and time as now prescribed by law under con-

viction and sentence of prisoners sentenced to the state prison.

Prisoners adjudged to be insane may be transferred to state insane asylums.

26. *And be it enacted*, That if any person confined in said reformatory under sentence of imprisonment shall appear to be insane, the judge of the circuit court of the county in which the reformatory is situated shall, upon information of the fact from the physician of the reformatory, institute a careful investigation, call two respectable physicians, and other credible witnesses if necessary, invite the attorney-general to aid in the examination, and, if he shall think it necessary, call a jury, and for that purpose he is hereby fully empowered to compel the attendance of witnesses and jurymen; and if it be satisfactorily proved that said prisoner is insane, said judge shall, in case the conviction of such prisoner was or shall be had in either of the counties of Atlantic, Cape May, Cumberland, Salem, Gloucester, Camden, Burlington, Mercer, Ocean, Monmouth, Hunterdon, Somerset or Middlesex, order his custody and removal to the state hospital at Trenton; and in case the conviction of such prisoner was or shall be had in any other county of this state, then said judge shall order the custody and removal of such prisoner to the state hospital at Morris Plains; and such prisoner shall remain at the expense of the state in the hospital to which he shall be removed as aforesaid until restored to his right mind; if his term of imprisonment shall not have expired, the superintendent of such hospital shall inform the said judge and the attorney-general of his recovery, whereupon he shall be remanded to the reformatory to serve out the unexpired portion of his term of imprisonment.

Daily record of conduct shall be kept.

27. *And be it enacted*, That it shall be the duty of the warden of the state reformatory to assign to the clerk or some other officer thereof the keeping of a correct, impartial daily record of the conduct of each prisoner and of his labor, whether satisfactory or otherwise; and it shall be the duty of the warden to see that the said record is regularly made and preserved under his care, and to lay the same before the managers as often as they may require.

28. *And be it enacted*, That when the managers shall

Remittance for orderly deportment.

be satisfied that the said record is properly kept they shall direct the warden, for every month of faithful performance of assigned labor by any convict in the state reformatory, to remit to him two days of the term for which he was sentenced; for every month of continuous orderly deportment, two days, and for every month of manifest effort at intellectual improvement and self-control, to be certified by the moral instructor, one day; *provided*, *nevertheless*, that in any month in which a convict shall have merited and received punishment, no such remission of sentence shall be made; and in case of any flagrant mis-conduct by any prisoner it shall be lawful for the managers to declare a forfeiture of the time previously remitted to him, either in whole or in part, as to them shall seem just.

Proviso.

Remittance may be forfeited.

Additional remittance for continued good conduct.

29. *And be it enacted*, That on the recommendation of the warden and moral instructor it shall be lawful for the managers to remit an additional day per month to every convict who for twelve months preceding shall have merited the same by his continuous good conduct in the particulars above mentioned, and for each succeeding year of uninterrupted good conduct progressively to increase the remission one day per month for that year.

On second conviction shall serve out time remitted.

30. *And be it enacted*, That if any person who has partaken of the clemency of this act shall be again convicted and sentenced to the state reformatory he shall, in addition to his said sentence, be required to serve out the number of days remitted to him on the previous term.

Sentences shall be subject to this act.

31. *And be it enacted*, That all sentences of imprisonment in the state reformatory, made by any court of this state for a term of months or years, shall be construed and understood to be made under and subject to the provisions of this act.

Convict on discharge shall be provided for.

32. *And be it enacted*, That upon the discharge of each prisoner who has not money to the amount of five dollars, the warden shall pay him any sum not exceeding that amount out of the moneys of the state, to the end that all temptation to commit offenses against society before employment or the means of living can be procured may be removed; to enable the

warden to pay to the convicts such sums as they are by law to receive on their discharge, the sum of two thousand dollars shall be paid to him each year by the treasurer on the warrant of the comptroller; and if said sum shall be exhausted at any time during the year, the treasurer may, on the warrant of the comptroller, make an additional payment of such sum as the warden may think requisite for such purposes, and any portion of this deposit not expended shall be paid over to the treasurer by the warden each year, on or before the thirty-first day of October, at which time the warden shall furnish to the comptroller a detailed statement of the moneys expended for this purpose during the fiscal year.

Officers shall qualify and give bond.

33. *And be it enacted*, That every officer who shall be appointed in pursuance of the provisions of this act shall take and file in the office of the secretary of state, within fifteen days after his appointment, the constitutional oath of office, and the several officers appointed shall respectively give bonds to the warden in such penalty and with such sureties as the board of managers shall approve, conditioned for the faithful performance of their duties as required by law.

On expiration of term of present board governor shall appoint.

34. *And be it enacted*, That at the expiration of the term of the present board of managers and each succeeding period of three years thereafter, there shall be appointed by the governor of this state, by and with the advice and consent of the senate, six competent persons as a board of managers for the "New Jersey state reformatory," who shall hold office for a term of three years, and until their successors shall have been confirmed by the senate and duly qualified; that no more than three of such managers shall belong to the same political party.

Managers may be removed for cause.

35. *And be it enacted*, That the managers appointed under the provisions of this act shall be subject to removal for sufficient reasons presented in the same manner as is now provided for in the law regulating the removal of the managing authorities of the New Jersey state prison.

Repealer.

36. *And be it enacted*, That this act shall be deemed and construed a public act and shall take effect imme-

diately, and all acts and parts of acts inconsistent with the provisions of this act be and the same are hereby repealed.

Approved March 28, 1895.

CHAPTER CCCLVIII.

A Supplement to an act entitled "An act to authorize the transfer and revocation of licenses granted by the excise board of any city in this state, and to authorize such boards to appoint a license inspector, and to fix the compensation of such officer," approved May sixth, one thousand eight hundred and eighty-nine.

Excise boards may appoint license inspectors, prescribe their duties and fix compensation.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in order to effectually prevent the violations of the provisions of the act to which this is a supplement, and to prevent the unlawful sale, without license, of spirituous, vinous, malt or brewed liquors in cities of the first class in this state, the excise boards of such cities are respectively fully authorized and empowered to appoint not more than two license inspectors in any such city, and the person or persons so appointed license inspector or license inspectors shall possess the sole power and authority and perform the duties pertaining to the inspection of licenses granted by such excise board, and such board shall be solely authorized and empowered to prescribe the duties of such license inspector or inspectors, and fix and determine the annual compensation to be paid such license inspector or inspectors, not exceeding one thousand dollars per annum for each of such inspectors, which annual compensation or salary, so fixed and determined by such excise board, shall be paid monthly by such city to the person or persons appointed license inspector or inspectors by such excise board as

aforesaid; and such excise board is also fully authorized and empowered to employ, in addition to that provided by law, such clerical help in performing the duties of the said board as from time to time they may deem necessary, and the said city is authorized and empowered upon the recommendation of said board to pay therefor fit and proper compensation not exceeding in any one year the sum of five hundred dollars, and any such city is hereby fully empowered and required to assess, levy, raise and pay to such license inspector or inspectors, appointed as aforesaid, and for such clerical assistance secured as aforesaid, in the same manner as the salaries of the commissioners of the excise board of any such city are assessed, levied, raised and paid.

Board may employ clerical help.

City authorized to pay compensation.

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

Repealer.

Approved March 28, 1895.

CHAPTER CCCLIX.

An Act concerning taxes.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all real property in this state not now by statute exempt from taxation shall be assessed for taxation at its true value, and the full tax thereon shall be paid to the collector of taxes or other proper officer authorized by law to collect the same, and no deductions shall be made from the taxable value of such real estate to any owner thereof on account of the indebtedness of such owner to any national or state bank; *provided*, that nothing in this act contained shall be construed in any way to alter or amend the method of taxing bonds and mortgages or real property which is subject to mortgage or the method of

No deductions shall be made for indebtedness to banks.

Proviso.

taxing the property of railroad, canal and banking companies, or the method of taxing the surplus of insurance companies in this state.

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

Approved March 28, 1895.

CHAPTER CCCLX.

A Further Supplement to an act entitled "An act concerning contagious and infectious diseases among animals, and to repeal certain acts relating thereto," approved May fourth, one thousand eight hundred and eighty-six.

Section to be amended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the second section of the act entitled "A supplement to an act entitled 'An act concerning contagious and infectious diseases among animals, and to repeal certain acts relating thereto,'" approved May fourth, one thousand eight hundred and eighty-six, which supplement was approved May twenty-second, one thousand eight hundred and ninety-four, be and the same is hereby amended to read as follows:

Commission may employ a secretary.

2. *And be it enacted*, That it shall be lawful for the state tuberculosis commission to employ one of their number as secretary of the commission, and to fix by resolution such compensation for his services as they in their judgment, may deem reasonable, which compensation shall be paid in monthly installments, out of the appropriation to said commission, by the state treasurer, upon the warrant of the state comptroller.

2. *And be it enacted*, That when any animal or animals shall be slaughtered by direction of said commission, the value of the same shall be ascertained and appraised by three disinterested freeholders, resident in

this state, who shall make and sign certificates thereof in the presence of a witness, who shall attest the same; such appraisement shall be made on the basis of the market value of the animal or animals slaughtered, and shall be limited to the sum of one hundred dollars for registered animals and to forty dollars for all others; three-fourths of the valuation so ascertained shall be paid by the state on the presentation of such certificate, with the approval of the said commission indorsed thereon, to the owner or owners; *provided*, no compensation shall be made for animals considered by the commission to be of no value.

Value of cattle ordered to be slaughtered shall be appraised

Appraisement limited.

Proviso.

3. *And be it enacted*, That whenever the state tuberculosis commission shall have made, or caused to be made, any examination of any animal or herd of animals within this state, and shall have ascertained such animal or herd of animals to be sound and in good health, they shall, upon request from the owner thereof, give to him a certificate in writing, signed by the president and secretary of said commission, certifying to the fact of such examination and of the good health and condition of such animal or herd of animals.

Certificate shall be furnished of animals in good health.

4. *And be it enacted*, That the said state tuberculosis commission shall have the power to co-operate with the bureau of animal industry of the United States in any general national system which may be adopted by such bureau for the prevention of the spread of bovine tuberculosis and its eradication in the United States and its territories.

Commission may co-operate with U. S. bureau of animal industry.

5. *And be it enacted*, That there shall be appropriated to the said state tuberculosis commission the sum of five thousand dollars for defraying its expenses and for the payment of the proportion of the appraised value of slaughtered animals required to be paid out of the treasury of this state, all which payments and expenses shall be made by the treasurer of this state upon the warrants of the state comptroller; that in cases of emergency the said commission may, with the consent of the governor, comptroller and treasurer, in addition to the sum of money hereby appropriated, expend such further sums of money for the purposes of this act not

Appropriation.

to exceed in the whole the sum of five thousand dollars in any one year.

Repealer.

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

Approved March 28, 1895.

CHAPTER CCCLXI.

An Act to authorize the sale of lands belonging to religious corporations or societies, in which burials have been made.

Church burial grounds may be sold when consent is obtained and conditions complied with.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for any religious corporation or society owning real estate in which burials have been made to remove the bodies buried therein and sell the said land, or any part thereof, providing such corporation or society shall obtain the consents in writing of the living owner or owners of plots and burial permits therein, also the consents in writing of the living lineal descendants and widow or widower, if any, of the said person or persons buried in said lands, or the part thereof to be sold; and in case such descendants, widow or widower cannot be found by diligent inquiry, such corporation or society may, by petition duly verified, apply to the common pleas or county court of the county in which said lands sought to be sold are located, for an order to sell the same; said petition shall set forth the name of the corporation or religious society so applying, the location of the lands sought to be sold, the names of all known persons owning lots or burial permits in said lands, a description and map of the lands sought to be sold; and upon proof of the foregoing facts, and in such petition set forth, it shall then be lawful for the said common pleas or county courts to make an order setting forth the nature of said petition and the names of all owners of lots or burial permits contained in said land so sought to be sold whe

have not in writing consented to said sale, requiring said owner or owners of lots or burial permits to show cause at a time to be fixed by said court, why said land should not be sold as in said petition prayed for; a notice of which order shall be published in a newspaper to be designated by said court, for four weeks successively.

2. *And be it enacted*, And upon the day fixed in the order and notice in section one herein referred to, or upon such adjourned day as said court may fix, it shall be lawful for said court of common pleas or county court to make an order permitting the sale of said lands, and the removal of any bodies buried therein, provided no objection be made in writing thereto by the lineal descendants, widow or widower of the parties buried therein.

3. *And be it enacted*, That if such religious corporation or society shall sell any land in which any person has heretofore acquired a right of burial, the said corporation or society shall refund to the party having such right, their heirs, executors or assigns, the amount paid for such right, with interest from the date of payment, and shall pay all costs and expense incurred in the removal of any bodies therefrom and the cost of properly re-interring the same.

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

Approved March 28, 1895.

CHAPTER CCCLXII.

An Act authorizing cities of the first class to purchase land and erect buildings thereon for fire department purposes.

Financial board may issue bonds to pay for land and buildings.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in cities of the first class in this state, when the municipal board or other authority having the control of the erection of buildings for fire department purposes, shall certify to the munici-

pal board of such city, having the management and control of the finances of such city, that the necessity exists for the purchase of ground and the erection thereon of a new building or buildings for fire department purposes, that it shall be lawful for such municipal financial board or authority in such city, and they are hereby authorized and empowered, to issue bonds, either registered or coupon, to an amount not exceeding twelve thousand dollars, to raise money to pay for the purchase of such plot and the erection and construction of said building or buildings; that said bonds shall be payable in twelve years from the date thereof, and shall bear interest not exceeding four and one-half per centum per annum, to be sold not less than par, and that there shall be a sufficient sum appropriated and put in the tax levy of such city each year to pay the interest on such bonds, and also there shall in each year be appropriated and put in the tax levy of such city the further sum of one thousand dollars towards the payment of said bonds, to be properly invested and deposited in the sinking fund of such city to meet the payment of said bonds when they shall become due and payable.

Amount and conditions of bonds.

Principal and interest shall be raised by taxation.

2. *And be it enacted*, That whenever in any city of the first class in this state the board having charge and control of the finances of any such city has heretofore set aside or appropriated to the board having charge of the erection of buildings for fire department purpose an amount not in excess of the sum of twelve thousand dollars for the erection of an engine or truck-house, or engine or truck-houses, and said amount so appropriated has not been expended nor any part thereof by said board at the time of the passage of this act, said board having charge and control of the finances of any such city shall have the power and authority to increase said amount so heretofore appropriated to an amount not exceeding twelve thousand dollars, as provided in this act.

Amount heretofore appropriated may be increased.

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

Repealer.

Approved March 28, 1895.

CHAPTER CCCLXIII.

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

Section to be amended.

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

Commissions shall not be delivered until the person appointed or elected shall be uniformed and equipped.

9. *And be it enacted*, That all general, field, staff and line officers who shall have been duly elected or appointed may be commissioned by the commander-in-chief, and their commissions shall be sent by the adjutant-genenral, by whom the said commissions shall be countersigned, to the officer who held the election or made the appointment; no commission shall be delivered to the person elected or appointed until he shall be uniformed and equipped according to the regulations of the military service of this state; should any person so elected or appointed neglect or refuse so to uniform and equip for one month from the time of his election or appointment, the commission shall be returned to the adjutant-general, with the reason for its return indorsed thereon, and the election or appointment shall thereupon be void; all non-commissioned officers shall receive warrants from their respective commandants; these are to be on parchment paper blanks and to be furnished by the adjutant-general.

Neglect or refusal to do so shall vacate the position.

Commandants shall issue warrants to non-commissioned officers.

Section to be amended.

2. *And be it enacted*, That section twelve of the act to which this is a supplement, which supplement was approved April twenty-ninth, one thousand eight hundred and eighty-four, be and the same is hereby amended to read as follows:

Term of service entitling members to certain privileges and exemptions.

12. *And be it enacted*, That every officer of the national guard who shall have served therein for the term of five years, upon the tender and acceptance of his resignation, and every non-commissioned officer, musi-

cian and private now enlisted in or who shall hereafter enlist in the national guard, who shall serve faithfully therein for the term of his enlistment, shall receive a discharge from the commander-in-chief entitling him to exemption thereafter from jury duty and from all military duty except in time of war and insurrection; to entitle any such officer, non-commissioned officer, musician or private to said privileges and exemptions, he shall be free of all indebtedness to the state and to the command to which he is attached for military supplies, and from all preferred charges for a violation of the laws governing the national guard.

Section to be amended.

3. *And be it enacted*, That section seven of the act to which this is a supplement, which supplement was approved May twelfth, one thousand eight hundred and ninety, be and the same is hereby repealed.

Deficiencies standing on books of quartermaster-general shall be deducted from appropriation.

4. *And be it enacted*, That it shall be the duty of the quartermaster-general to report to the comptroller of the treasury, on or before the first Monday in April of each year, the amount of any bill or account for any deficiency standing on the books of the quartermaster-general's department against any company officer or commandant, or regimental quartermaster or other regimental or brigade officer to whom transportation or public stores have been issued without security of bond, or for rental paid for any drill-room for drills, rifle practice, encampments, parades or other temporary service, and the amount of such bill or deficiency shall be deducted by the comptroller of the treasury from any appropriation due the company, regiment or brigade against which such bill or deficiency is so reported.

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

Approved March 28, 1895.

CHAPTER CCCLXIV.

A Further Supplement to an act entitled "An act concerning taxes," approved April fourteenth, one thousand eight hundred and forty-six.

Section as amended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section eleven of the act entitled "An act concerning taxes," approved April fourteenth, one thousand eight hundred and forty-six, which was amended by an act approved March sixteenth, one thousand eight hundred and ninety-three, so as to read:

"11. *And be it enacted*, That the township collector within sixty days after the receipt of the transcript or duplicate of the said assessment, shall demand payment of the tax or sum assessed on each individual in his township, in person or by notice left at his or her place of residence, or where the residence and post-office address is precisely known to said collector, by mailing such notice to the post-office address of such person or persons, with the postage prepaid thereon, and also give notice of the time and place of the meeting of the said commissioners of appeal; and the said collector shall pay the taxes by him collected, and the fines and forfeitures by him received by virtue of any law of this state, to the collector of the county, by the twenty-second day of December in every year," be and the same is hereby further amended so as to read as follows:

Section as amended.

11. *And be it enacted*, That the township, town or borough collector within sixty days after the receipt of the transcript or duplicate of the said assessment shall demand payment of the tax or sum assessed on each individual in his township, town or borough in person or by notice left at his or her place of residence, or where the residence and post-office address is precisely known to said collector, or where any real estate or any mortgage or personal property is assessed in any township, town or borough to any person not resident in said township, town or borough, but resident in this state, and the residence and post-office address of such person whose

property is so assessed is known to said collector, by mailing such notice to the post-office address of such person or persons, with the postage prepaid thereon, and also give notice of the time and place of the meeting of the said commissioners of appeal; and the said collector shall pay the taxes by him collected and the fines and forfeitures by him received by virtue of any law of this state, to the collector of the county, by the twenty-second day of December in every year.

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

Approved March 28, 1895.

CHAPTER CCCLXV.

An Act directing the collectors of taxes of townships and boroughs to surrender all official books and papers to the proper authorities.

Tax collector shall surrender books and papers within a certain time.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That hereafter the several collectors of taxes of the townships and boroughs of this state and their successors, shall, upon the expiration of their terms of office and within sixty days after a settlement has been made with the township committee or governing bodies of the various boroughs, surrender to said township committee or governing bodies of boroughs, all tax duplicate books and papers of their respective offices pertaining to the collection of said taxes.

Penalty.

2. *And be it enacted*, That any collector of taxes failing to surrender said tax duplicate books and other papers, shall forfeit and pay the sum of five dollars per day for each day's failure beyond said sixty days, to be sued for and recovered in any court of law by any taxpayer residing in any such township or borough, for the use of said township or borough.

Clerk authorized to give certificates.

3. *And be it enacted*, That the township or borough clerk, after the surrender of said books, shall be authored to give all certificates in cases of taxation that the

several collectors of taxes are now authorized by law to give.

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

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

Approved March 28, 1895.

CHAPTER CCCLXVI.

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

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That on the neglect or refusal of a corporation incorporated under the laws of this state or doing business therein, to furnish the information prescribed by law to any state official required to publish a report on the standing and condition of such corporation, the expenses of the investigation authorized to be made because of such neglect or refusal shall be borne by said delinquent corporation and may be recovered therefrom in an action of debt in any court of competent jurisdiction in this state by the person authorized to make such investigation. Corporation failing to furnish information shall pay expenses of investigation.

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

Approved March 28, 1895.

CHAPTER CCCLXVII.

An Act concerning fire departments in cities of the first class.

Incapable employes of department may be retired on half pay.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be lawful for the municipal board having charge of the fire department in any city of the first class to retire from service any employee of such department whose duty requires active service in the extinguishment of fires, and who shall have become or shall hereafter become incapacitated for the performance of such duty whenever such incapacity is or shall be the result of injury received or sickness contracted in the discharge of such duty; the person retired shall, during the continuance of such incapacity, receive an annual pension of an amount equal to one-half of the salary received by him at the time of such retirement (except in the cases of volunteer firemen, whose annual pension shall not exceed one hundred dollars).

Exception.

Widow or children shall be allowed a pension.

2. *And be it enacted*, That if any employee of any fire department in any such city shall be fatally injured while in the performance of his duty to extinguish fires, such municipal board shall allow to the widow of such employee an annual pension equal to one-half of the salary received by such employee at the time of his death, to be paid to her during her life if she shall so long remain a widow; if such employee shall not leave a widow but shall leave a child or children, such pension shall be applied, under the direction of the mayor of such city, to the support of such child or children until they shall have attained the age of sixteen years.

Employee incapacitated after certain term of service shall be cetired on same ronditions.

3. *And be it enacted*, That if any employee of any such fire department who shall have served in such department not less than twenty years shall become incapacitated while in the active discharge of his duties, he shall be retired by such board and shall thereafter receive, annually, such pension as he would have been entitled to if retired because of the incapacity mentioned in the first section of this act.

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

Approved March 28, 1895.

CHAPTER CCCLXVIII.

An Act in relation to individual or private bankers, and subjecting them to the supervision and control of the department of banking and insurance.

Private bankers must comply with provisions of this act.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That no individual, association of individuals, partnership or joint stock association, shall engage in the business of banking, except under and in accordance with the provisions of this act, and that any such individual, association of individuals, partnership or joint stock association, and the individual members thereof, who shall violate the provisions of this act and carry on the business of banking without authority, shall be guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine not exceeding five thousand dollars, or by imprisonment at hard labor for a term not exceeding seven years, or both.

Penalty.

Subjected to the same conditions, etc., as incorporated banks.

2. *And be it enacted*, That every individual, association of individuals, partnership or joint stock association now engaged in carrying on the business of banking within this state, and every such individual, association of individuals, partnership or joint stock association which shall hereafter engage in the business of banking within this state, shall be subject to the same control, supervision, inspection and examination to which incorporated banks are by law now subject; *provided*, *however*, that nothing contained in this act shall authorize any such individual, association of individuals, partnership or joint stock association to issue his or their notes, bills, currency or other circulating medium of exchange.

Proviso.

Shall make same reports.

3. *And be it enacted*, That every such individual, association of individuals, partnership or joint stock association now engaged in the business of bank-

ing, or who hereafter may become engaged in the business of banking, shall make to the department of banking and insurance the same reports as near as may be as are now or shall hereafter be required by law of incorporated banks, and that such reports shall be verified by the affidavit of such individual, and in all cases in which more than one individual shall be engaged in such business by at least two of the individuals who are concerned in the conduct of the said business, and that such reports shall be published at the same time and in the same manner as is required in the case of reports of incorporated banks.

One or members of partnership shall be residents.

4. *And be it enacted*, That no individual, association of individuals, partnership or joint stock association, shall engage in the business of banking within this state unless one or more of the persons so engaged shall be residents in and inhabitants of this state, and that for every violation of the provisions of this section, the person or persons so offending shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be liable to a fine of not more than one thousand dollars, and that in all reports that shall be made by such individual, association of individuals, partnership or joint stock association, the full names and places of residence of each of the persons so interested shall be fully set out.

Penalty.

Proceedings in cases of insolvency.

5. *And be it enacted*, That in case it shall appear by any report made by any such individual, association of individuals, partnership or joint stock association, or upon any examination made of the affairs thereof by the commissioner of banking and insurance, or by any one under his direction, that the said individual, association of individuals, partnership or joint stock association is insolvent, or is unable to pay his or their obligations as they severally mature, or is unable to pay his or their depositors the moneys held by him or them on deposit whenever called upon so to do, or shall suspend his or their ordinary business for want of funds to carry on the same, the said commissioner of banking and insurance, or any creditor of the said individual, association of individuals, partnership or joint stock association, may apply by petition or bill of complaint to the

chancellor, setting forth the facts and circumstances of the case for a writ of injunction and the appointment of a receiver or receivers of the property and assets of such individual, association of individuals, partnership or joint stock association, and the chancellor, upon being satisfied of the sufficiency of the said application and of the truth of the allegations contained in the said petition or bill of complaint, by affidavit or otherwise, and upon giving when so ordered such reasonable notice to be served or published as the chancellor may direct, the chancellor may proceed in a summary way to hear the affidavits and proofs and allegations which may be offered by or on behalf of the parties, and if upon such inquiry into the matters or causes of complaint it shall be made to appear to the chancellor that the said individual, association of individuals, partnership, or joint stock association, has become insolvent or shall not be about to resume his or their said business in a short time thereafter with safety to the public and advantage to the creditors, it shall and may be lawful for the chancellor to issue an injunction to restrain such individual, association of individuals, partnership or joint stock association from further carrying on his or their said business of banking, and from collecting or receiving any debts, or from paying out, selling, assigning or tranferring any of the assets, moneys, funds, lands, tenements or effects belonging to him or them until the court shall otherwise order.

Chancellor may appoint receivers.

6. *And be it enacted*, That it shall and may be lawful for the court of chancery, if the circumstances of the case and the ends of justice require it at the time, of ordering the said injunction, or at any other time afterwards during the continuance of the said injunction, to appoint a receiver er receivers of the property and assets of the said individual, association of individuals, partnership or joint stock association, who shall have all the powers now conferred by law upon receivers of ininsolvent banking corporations, and with full power and authority to demand, sue for, receive and take into his or their possession all the property and assets of the said individual, association of individuals, partnership or joint stock association, whether the same was embarked in

the said business of banking or not; and that such further proceedings shall be had under said petition or bill of complaint as might be had in case the said proceeding was against an insolvent banking corporation.

Chancellor may settle and adjust claims.

7. *And be it enacted*, That in such cases the court of chancery shall be and is hereby invested with full power and authority to settle and adjust all claims of every nature made or to be made against the estate in the hands of the said receiver or receivers, and to make distribution of the assets among the creditors of the said individual, association of individuals, partnership or joint stock association, and that in making such distribution preferred creditors shall be paid in the same manner as if the proceedings were against an insolvent banking corporation, and that all the laws now or hereafter in force in relation to insolvent banking corporations shall apply to the said proceedings in all cases where the same can be made to apply.

Private banker must obtain certificate of authority.

8. *And be it enacted*, That no individual, association of individuals, partnership or joint stock association shall engage in the business of banking in this state unless authorized thereunto by the commissioner of banking and insurance by his certificate to that effect, and that such certificate shall not be made or issued by the said commissioner until after the said individual, association of individuals, partnership or joint stock association shall have made to him the report or reports required by this act, and not until after the said commissioner of banking and insurance shall have made an examination of the assets and property of such individual, association of individuals, partnership or joint stock association, and determined that he or they are then solvent and able to pay his or their debts at maturity, and that no such unauthorized individual, association of individuals, partnership or joint stock association shall make use of any office sign at the place where said banking business is transacted having thereon any artificial or corporate name or other word or words indicating that such place or office is the place or office of a bank; nor shall such unauthorized individual, association of individuals, partnership or joint stock association make use of or circulate any letter heads,

Unauthorized bankers shall be forbidden the use of certain devices.

bill heads, blank notes, blank receipts, certificates, circulars or any written or printed or partly written and partly printed paper whatever, having thereon any artificial or corporate name or any other word or words indicating that such business is the business of a bank.

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

Approved March 28, 1895.

CHAPTER CCCLXIX.

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

Signal and telegraph corps may be attached to each brigade.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in the discretion of the governor and commander-in-chief under such regulations as he may prescribe, there shall be attached to each brigade of the national guard of this state a signal and telegraph corps, and such corps shall be attached to each of the brigade headquarters; the said corps shall consist of one signal officer with the rank of captain and one assistant signal officer with the rank of first lieutenant; and likewise such non-commissioned officers and privates not to exceed forty, who may be specially enlisted in such corps or transferred thereto from the several organizations of the brigade; the number of non-commissioned officers for said corps shall be at the discretion of the brigade commander, but shall not exceed ten in number, one of whom shall be warranted as first sergeant, one as paymaster sergeant, one as quartermaster sergeant and two as signal sergeants, and the others as signal corporals

Of what it shall consist.

by the commandant of the brigade to which they are attached.

Appropriation.

2. *And be it enacted*, That an appropriation amounting to the sum of three hundred dollars shall be paid on the first Monday of April of each year to the paymaster of the brigade, to be expended by the said brigade paymaster on the approval of the commandant of the brigade, for military expenses incident to the signal and telegraph corps attached to the headquarters of the said brigade; and the said appropriation shall be collected and paid in the same manner as other military expenses incident to brigade organization are now collected and paid.

Uniform and equipments.

3. *And be it enacted*, That the uniform and equipments of the signal corps shall be the same as prescribed for the signal corps of the United States army; and the drill regulations for signal corps of the United States army shall be the drill regulations governing the signal corps of this state.

Repealer.

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

Approved March 28, 1895.

CHAPTER CCCLXX.

A General Act concerning taxes.

Real estate shall be assessed in districts where it is located. Exception.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That hereafter all real estate except such real estate as is subject to assessment under the provisions of an act of the legislature of New Jersey, entitled "An act for the taxation of railroad and canal property, approved April tenth, one thousand eight hundred and eighty four," and the supplements and amendments thereto, shall be assessed

in the township, borough or taxing district in which the same may be situate; when the line between taxing districts divides a farm, each part thereof shall be assessed to the owner thereof in the taxing district in which the same may be located, and this whether such division line be a township, borough or county line.

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

Approved March 28, 1895.

CHAPTER CCCLXXI.

An Act respecting the maintenance of roads or highways under the charge or control of county boards of chosen freeholders in this state.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be the duty of boards of chosen freeholders in counties of this state having charge and control of any county road or highway which has heretofore been macadamized or paved with telford pavement, or which shall hereafter be so macadamized or paved at the expense of the county, to maintain and keep in repair the macadam or pavement upon such roadway, notwithstanding that the same may have been moved from its original position or new pavement substituted therefor in a portion of the road different from that in which the pavement was originally placed, in order to provide for the construction of a street railway in the location of the road or highway in which said pavement was so originally placed; *provided*, *however*, that nothing in this act shall be held to relieve any street railway company from any contract or agreement to maintain such pavement. Chosen freeholders shall maintain macadamized or telford road. Proviso.

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

Approved March 28, 1895.

CHAPTER CCCLXXII.

A Supplement to the act entitled "An act to regulate the sale of spirituous, vinous, malt and brewed liquors, and to repeal an act entitled 'An act to regulate the sale of intoxicating and brewed liquors,' passed March seventh, one thousand eight hundred and eighty-eight," passed March thirtieth, one thousand eight hundred and eighty-nine.

Fee for license for bottlers.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That hereafter in cities of the first class a license fee of not less than seventy-five dollars, and in cities of the second class a license fee of not less than fifty dollars shall be paid by every person carrying on within said cities the business of buying beer in quantities and bottling and selling the same when bottled, not to be drunk on the premises where bottled, commonly known as beer bottling.

How applications shall be made.

2. *And be it enacted*, That the applications for such license shall be made in the same manner as applications are directed to be made in section three of the said act to which this is a supplement and upon the same conditions as to the granting and refusing thereof, and the duration of said license in said section three contained.

Penalty.

3. *And be it enacted*, That from and after the expiration of thirty days next succeeding the passage of this act, every person carrying on the business specified in section one hereof, without a license for that purpose first had and obtained as above directed, shall be deemed guilty of a misdemeanor, and on conviction thereof

shall be punished by a fine not exceeding fifty dollars for each offense, together with the costs of prosecution.

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

Approved March 28, 1895.

CHAPTER CCCLXXIII.

An Act to amend an act entitled "An act declaring when the death of persons absenting themselves shall be presumed," passed March seventh, one thousand seven hundred and ninety-seven.

Act to be amended.

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

When absentee shall be regarded as dead.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That any person, whether a resident of this state or not, who shall remain beyond sea or absent himself or herself from this state, or from the place of his or her last known residence, or conceal himself or herself in this state, or in the place of his or her last known residence, for seven years successively, shall be presumed to be dead, in any case wherein his or her death shall come in question, unless proof be made that he or she were alive within that time; but an estate recovered in any such case, if in a subsequent action or suit, the person so presumed to be dead shall be proved to be living shall be restored to him or her who shall have been evicted; and he or she may also demand and recover the rents and profits of the estate during such time as he or she shall have been deprived thereof with costs of suit; *provided, however*, that any executor or administrator who may pay over any legacy or distributive share to which such person, if living, would be entitled, shall be fully dis-

Proviso.

charged from any and all liability to such person upon filing with the surrogate of the proper county the releases of the persons who would be entitled to such legacy or distributive share if the person so presumed to be dead were actually dead.

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

Approved March 28, 1895.

CHAPTER CCCLXXIV.

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, one thousand eight hundred and eighty-seven.

Transportation and sale of contaminated milk shall be prohibited.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That when the state board of health, or any officer thereof, duly authorized in writing by such board to act for or on behalf of said board, shall have reason to believe that any milk has been contaminated by the emanations, exhalations or discharges of any person sick with communicable disease, it shall be lawful for the said state board of health, or the officer so authorized to act in the premises, to prohibit the transportation or sale of any milk suspected to be contaminated as aforesaid, and also to prohibit the transportation or sale of any milk which may be produced, stored, kept or found upon any premises infected by such disease; such prohibition shall continue until the state board of health, or the officer authorized to act in the premises as aforesaid, shall in writing remove such prohibition.

Penalty.

2. *And be it enacted*, That any person or persons who shall transport or sell any milk, the sale and transportation of which has been prohibited, pursuant to the pro-

visions of the first section of this act, shall be liable to a penalty of fifty dollars, to be recovered by the state board of health in an action upon contract for the uses of the state of New Jersey in any court of record within said state.

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

Approved March 28, 1895.

CHAPTER CCCLXXV.

An Act to provide a commission to inquire into and report upon the advisabilty of accepting one hundred and sixty acres of land, located in the borough of Englishtown, Monmouth county, state of New Jersey, as a gift to the people of New Jersey, on condition that there be located thereon under the authority of the state, an asylum for the blind or incurables, or both.

Preamble.

WHEREAS, Mr. Frederick R. Wilson, of Chicago, late resident of Englishtown, county of Monmouth, in this state, has conveyed by deed from himself and wife, the tract of one hundred and sixty acres, located in the borough of Englishtown, as a gift to the people of New Jersey, on condition that there be erected thereon an asylum for the blind or for incurables, or for both, as might be deemed best; therefore,

Governor shall appoint a commission to investigate and report.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That a commission of three persons, residents of this state, be appointed by the governor to make careful investigation of this subject, and report at the next session of the legislature, in the year one thousand eight hundred and ninety-six, the results of their deliberations.

Appropriation.

2. *And be it enacted*, That the treasurer of the state on the warrant of the comptroller shall pay the aforesaid commission the expenses assumed within the above named limits of one hundred dollars; the commission first specifying in writing the items of expense.

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

Approved March 28, 1895.

CHAPTER CCCLXXVI.

A Supplement to an act entitled "An act to promote the propagation and growth of seed oysters and to protect the natural oyster-beds of this state," approved April fourth, one thousand eight hundred and ninety-three, and a further supplement approved April twenty-fourth, one thousand eight hundred and ninety-four.

Grounds not to be worked until the second season.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall not be lawful for any person or persons to rake, tong, dredge or in any manner disturb or work upon any grounds occupied by the state of New Jersey for the purpose of planting shells until the second season after the spat have adhered to the shells so planted.

Penalty for violating the culling act.

2. *And be it enacted*, That the taking of oysters from any natural oyster-seed grounds during the close season, or the violation of any provision of the culling act, shall be considered a misdemeanor and punishable, after conviction, by a fine of fifty dollars for each and every offense, or imprisonment in any county jail for the period of three months, or both, in the discretion of the court.

Commissioners authorized to wear a badge and make arrests.

3. *And be it enacted*, That the said oyster commissioners shall have authority to arrest any person or persons caught violating any of the provisions of this act

or of the acts to which this is a supplement; that they shall be empowered to wear a badge designating their office which shall distinguish their authority and which shall be recognized and respected as officers empowered to enforce and protect the provisions of this act and no other.

And shall enforce existing laws.

4. *And be it enacted*, That it shall be the duty of the said oyster commissioners to strictly enforce all existing laws relating to the natural oyster grounds of this state.

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

Approved March 28, 1895.

CHAPTER CCCLXXVII.

An Act relating to certain savings banks in this state.

Savings banks operating under special charter may compensate managers.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That any savings bank of this state now being conducted by virtue of a special charter may pay to any committee of its managers such compensation for their services as its board of managers, by a three-quarters vote of its entire number, may at any time decide, or may have decided.

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

Approved March 28, 1895.

CHAPTER CCCLXXVIII.

An Act to amend an act entitled "An act relative to the writ of certiorari," approved March twenty-seventh, one thousand eight hundred and seventy-four.

Section to be amended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section nine of "An act relative to the writ of certiorari," approved March twenty-seventh, one thousand eight hundred and seventy-four, is hereby amended so as to read as follows:

Court shall determine questions of fact and law.

9. *And be it enacted*, That in all cases of writs of certiorari, now pending or hereafter brought, to remove any tax or assessments or other order or proceeding touching any local or public improvement, or to review the proceedings of any special statutory tribunal, it shall be the duty of the court to determine disputed questions of fact, as well as of law, and to inquire into the facts by depositions taken on notice, or in such other manner as is according to the practice of the court; *provided*, *however*, that it shall and may be lawful for either party to use the testimony taken on its, his or her side, before the tribunal whose action is being reviewed, which said testimony shall be considered by the court the same as if it had been taken by deposition on notice, and either party may take such additional testimony on notice as they may deem necessary to properly present the questions involved to the court; and the court shall thereupon reverse or affirm, in whole or in part, such tax assessment or other order or proceeding according to the justice of the case.

Proviso.

Repealer.

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

Approved March 28, 1895.

CHAPTER CCCLXXIX.

A Supplement to an act entitled "An act to authorize the incorporation of rural cemetery associations and regulate cemeteries," of the revised laws of April ninth, one thousand eight hundred and seventy-five, and authorizing such associations to acquire lands for burial purposes by purchase, gift or condemnation proceedings.

Certain associations authorized to acquire more land.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That associations incorporated under the said act or that may hereafter be incorporated thereunder shall have the power to acquire lands, additional to those already used for the purpose of sepulture, or lands required for such purpose in case none have hitherto been acquired, for the purpose of enlarging the burial-ground or cemetery belonging to such association, to an extent not exceeding ten acres, and that such lands may be acquired either by purchase or gift or by condemnation.

Lands may be condemned.

2. *And be it enacted*, That in case the trustees of such association cannot agree with the owner or owners, or other person or persons interested in any lands which the said trustees may desire to take, as to the amount of the compensation to be paid for the said lands, or in case any of said owners or other persons interested shall be under any incapacity or disability to contract for the same, then, and in every such case, it shall be lawful for any justice of the supreme court of this state, upon application by said trustees, and upon twenty days' notice to the owners and other persons interested in said lands, to appoint three disinterested commissioners, residents of the county in which the lands are situated, to assess and ascertain in value of the lands proposed to be taken, and the damage which said

Proceedings in condemnation.

owners and persons interested may sustain by such taking; if any of the said commissioners neglect or refuse to perform their duties the said justice may appoint others in their stead; the said commissioners shall appoint a time and place at which they shall meet to execute the duties of their appointment, and shall give twenty days' notice thereof to be given to the parties interested therein, at which time the said commissioners shall meet and view the premises and hear the parties interested and take evidence (if any be offered), for which purpose they shall have power to administer oaths and affirmations, and they may adjourn from day to day; the said trustees shall exhibit to the said commissioners, at their said meeting, a statement and description, in writing or by maps, of the lands sought to be taken; and the said commissioners, upon being satisfied that it is necessary for the said cemetery association to acquire the said lands for burial purposes as aforesaid, shall ascertain and assess the value and damages aforesaid, and shall execute, under their hands and seals, or the hands and seals of the majority of them, an award to said association of the lands sought to be taken, which award shall contain a description of the said lands, and shall state the amount of damages and compensation therefor by them assessed in favor of such owner or owners, which award shall by them be acknowledged before an officer authorized to take the acknowledgment and proof of deeds for said county, and shall be recorded in the clerk's office of the said county by the clerk of said county; the notices required to be served by this section shall be in writing, and may be served either personally or by leaving at the dwelling-house or usual place of abode of the person required to be served therewith, with a member of his or her family above the age of fourteen years; in case it shall be impossible to make such service, then a publication of the said notice in a newspaper circulating nearest said lands for the full period of twenty days shall be sufficient; in case any of the owners are minors, the notice shall be served upon the parent or guardian of such minors; in case of other

Notice shall be given of meeting of commissioners.

Statement and description of lands shall be made.

Value and damages shall be assessed.

Notice shall be served personally.

When publication in a newspaper shall be deemed sufficient notice.

disability, publication in a newspaper as aforesaid shall be sufficient.

Payment or tender shall be made before taking possession.

3. *And be it enacted*, That before taking possession of said lands, the said association shall pay or tender to the owner or owners the amount of such compensation so awarded by the commissioners; or in case the said owner or owners cannot be found or shall refuse to accept the same, or shall be under any legal disability, then the said money shall be deposited with the clerk of the circuit court of said county; and the award of said commissioners and the payment or tender or deposit as aforesaid of the same shall vest in the said association the lands described in the said award, in all respects the same as if the said lands had been conveyed to said corporation by said owner or owners under their hands and seals.

Appeal against award.

4. *And be it enacted*, That if either party feels aggrieved by said assessment and award, such party may appeal to the next or second term of the circuit court of said county, by petition and notice thereof served upon the opposite party in the same manner as hereinbefore directed, which petition and notice shall vest in said courts full power to hear and determine said appeal; and, if required, they shall award a venire for a jury to come before them, who shall hear and finally determine the issue under the direction of the court as in other trials by jury; and it shall be the duty of the said jury to assess the value of the lands absolutely taken and the damages; and the said court shall have power to order a struck jury, or a jury of view, or both, to try any such appeal, and also to order any jury that may be empaneled and sworn to try any such appeal, to view the premises in question during such trial; but the right of the corporation to appeal from and dispute the correctness of any award shall not be waived or taken away by the paying or tendering the amount of the award and taking possession of the lands or exercising the rights covered by such award; and the right of any owner of any such lands in like manner shall not be waived or lost by the acceptance of the amount so awarded when tendered; upon the final determination of such appeal, the said court

Proceedings in cases of appeal.

shall render judgment in favor of the one party and against the other, as the right and justice of the case shall require, and shall award to the party substantially succeeding and prevailing in said appeal his, her or their costs of said appeal against the opposite party, and shall have power to enforce the judgment so rendered by execution as other judgments are enforced, and also by summary proceedings and attachment for non-payment thereof.

Court may enforce final judgment.

Reasonable compensation shall be made.

5. *And be it enacted*, That the said commissioners, in making their award, shall award such sum as in their judgment will be a reasonable compensation to the owners of any estate in the lands sought to be taken, designating the compensation awarded to each person owning an estate in said land; and the award and payment or tender or deposit shall vest in the said association all estates in said lands, whether present or future, vested or contingent.

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

Approved March 28, 1895.

CHAPTER CCCLXXX.

An Act to amend an act entitled "A general act concerning taxes," approved March nineteenth, one thousand eight hundred and ninety-one.

Section to be amended.

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

Section as amended.

2. *And be it enacted*, That where complaint shall be made to said board in writing, verified by the oath of the complainant, by any person or corporation aggrieved at the assessment of his or its property, said board shall have power to review and correct the action of the local

assessors or other taxing officers, and of all boards of tax review, by reducing such assessment; such review and reduction may be made of any assessment hereafter to be made, or any assessment which shall have been made within one year before the filing of the complaint for the review and reduction of the same; and all assessments so reviewed shall bear interest from the time fixed by the law under which said assessments were originally made and levied until paid, upon the amounts so fixed and determined by said board.

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

Approved March 28, 1895.

CHAPTER CCCLXXXI.

An Act to amend an act entitled "An act to amend an act entitled 'An act concerning cities of the first class in this state, and constituting municipal boards of street and water commissioners therein, and defining the powers and duties of such municipal boards, and relating to the municipal affairs and departments of such cities 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," which said amendatory act was approved March twenty-fourth, one thousand eight hundred and ninety-two, and to validate and confirm assessments made for improvements made under said last-mentioned act.

Section to be amended.

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

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

Section as amended.

3. *And be it enacted*, That the board of street and water commissioners herein authorized shall have full power, in their discretion, to repave and improve, according to specifications adopted by said board for material for any such repaving, and for the work in each case, any street, avenue, lane, alley, highway or public place already paved in any such city, or any part thereof, the expense to be assessed in the same manner as now provided by law, on the property benefited in proportion to the benefit received.

Assessments heretofore made ratified and confirmed.

2. *And be it enacted*, That any and all assessment or assessments heretofore made under the provisions of the act to which this is amendatory, being chapter one hundred and thirty-five of the laws of New Jersey for the year one thousand eight hundred and ninety-two, be and the same hereby are ratified and confirmed, notwithstanding the fact that such assessment or assessments are for more than one-third of the cost of such improvement or improvements, and that the said board proceeded and did such repaving and improvement without the petition of the owners or other legal representatives owning or representing a majority of the lineal feet frontage of any such street, avenue, lane, alley, highway or public place or part thereof within the same so repaved and improved, and that such board has proceeded to do such repaving or improving by a less vote than the unanimous votes of the commissioners of such board ; *provided*, that at least four-fifths of the commissioners of such board voted for the passage of the ordinance under which such improvement was made.

Repealer.

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

Approved March 28, 1895.

CHAPTER CCCLXXXII.

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

The wearing of uniform or insignia by persons not entitled thereto prohibited.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the uniform or insignia of rank prescribed for the officers of the national guard of New Jersey, shall be worn only by persons entitled thereto by commission under the laws of this state or of the United States or of another state of the United States; *provided*, any honorably-discharged officer may wear upon public occasions the uniform and insignia of rank to which his commission entitled him while in service; any person violating this section shall be liable to a fine of five hundred dollars on complaint of any officer of the national guard.

Proviso.

Penalty.

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

Approved March 28, 1895.

CHAPTER CCCLXXXIII.

An Act respecting expenditures in cities of the first-class of this state.

Certain sums may be expended in anticipation of appropriations.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in all cities of the first-class in this state where appropriations for municipal purposes are by law made during the fiscal

year for which such appropriations are made it shall be lawful for the boards, bodies and officers thereof during the portion of the year intervening between the beginning of the fiscal year and the making of the tax levy to expend in anticipation of appropriations sums of money proportioned for such period to the sums appropriated for like purposes and expended by such boards, bodies and officers during the year immediately preceding.

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

Approved March 28, 1895.

CHAPTER CCCLXXXIV.

An Act concerning proceedings to review judgments or other judical proceedings of any city judge, police court or other inferior court had for or on account of alleged violation of city ordinances or ordinances of city boards of health.

Judicial proceedings of city judge or city courts may be reviewed.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in order to establish uniformity in the premises in all the cities of this state, all judgments or other judicial proceedings of any city judge, police court or other inferior court, had for or on account of alleged violation of city ordinances or ordinances of city boards of health, and whether had with or without a trial by jury, shall be reviewable by writ of certiorari, in accordance with the rules and practice of the supreme court and not otherwise.

Repealer.

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

Approved March 28, 1895.

CHAPTER CCCLXXXV.

An Act authorizing the governing bodies of towns, townships, boroughs and villages in counties of the first class to pass, alter and repeal ordinances for the protection of railroad grade crossings by the companies operating said railroads.

Preamble. Whereas, Towns, townships, boroughs and villages in counties of the first class have become and are thickly settled, and railroad crossings of public streets and highways at grade have become dangerous and a menace to public safety, and have been the scene of accidents, resulting in the loss of many human lives; therefore,

Governing body may provide for protection at railroad crossing. 1. BE IT ENACTED, *by the Senate and General Assembly of the State of New Jersey*, That the governing body of said towns, townships, boroughs and villages, by whatever name said body shall be known, shall have and they are hereby given power to pass, alter or repeal ordinances requiring railroad companies whose lines pass through said municipalities to protect any and all railroad grade crossings or places where the tracks of said company or companies cross a public street or highway at grade, which street is in daily use by vehicles, by the erection and maintenance of arms or gates or the placing and maintaining of a flagman or flagmen at such crossings, or of both, for such times or hours as the said governing body shall deem reasonable.

Clerk shall notify railroad companies. 2. *And be it enacted*, That upon the passage of any such ordinance, it shall be the duty of the clerk of said municipality to notify each and every railroad company whose lines pass through said municipality, and is affected by such ordinance, of the passage thereof, by mailing a copy of the same, certified under his hand, to the main office of the said company; and it shall be the

duty of such railroad company or companies to comply with the terms of said ordinance within thirty days after the receipt of said notice, under such penalties for the failure to do so as may be imposed by said governing body; *provided, always*, that it shall be lawful for such company or companies to file with the clerk of said municipality, and with the clerk of the circuit court of the county wherein such grade crossings mentioned in such ordinance lie, within twenty days from such service of notice, a notice of appeal from such ordinance to the said circuit court which court shall thereupon proceed to consider whether arms, gates or flagmen at such crossings or either of them as and in the manner directed in said ordinance are necessary, having regard to the amount of railroad and other travel across the same and the location thereof and whether if so, the directions of said ordinance are reasonable; said appeal shall be heard by said court on due notice to both parties and upon examination of witnesses and view of the said crossings and adjoining premises if the court shall deem it advisable; should said court after such hearing approve the said ordinance as reasonably necessary such ordinance shall be and remain valid; should the same not be approved it shall be void.

Proviso.

Penalties may be imposed.

3. *And be it enacted*, That the said governing body of said municipality shall have power in and by said ordinance to impose penalties for the violation thereof, not exceeding one hundred dollars for each and every day on or during which said railroad company or companies shall fail to comply with the provisions of said ordinance after notice thereof as above provided.

Proceedings may be reviewed.

4. *And be it enacted*, That the determination of said township committee, and any ordinance passed in the exercise of the power conferred by this act shall be reviewable by writ of certiorari out of the supreme court of this state.

Repealer.

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

Approved April 1, 1895.

CHAPTER CCCLXXXVI.

An Act making it unlawful for justices of the peace to entertain complaints in certain cases, specifying when complaints shall be made before recorders in certain cities and giving them power to act thereon.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in all cities of this state having a population of less than thirty-five thousand having a recorder who is paid a definite salary for his services by such city, it shall be unlawful for any justice of the peace to entertain any complaint for any crime or misdemeanor alleged to have been committed within such city, but all complaints for crimes or misdemeanors alleged to have been committed within any such city not made directly before the grand jury or before the court of oyer and terminer or court of general quarter sessions of the peace of the county wherein such city is situate, shall be made before said recorder, who is hereby authorized to receive the same and to take all necessary and lawful proceedings thereon and who in relation to the same shall have and possess all the power now held and possessed by any justice of the peace; *provided, however*, that said recorder shall not be entitled to receive any extra compensation for his services under this act, and any fees paid or allowed to him for such services shall be paid by him to the treasurer of said city. All complaints in certain cases shall be made before the recorder. Proviso.

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

Approved April 1, 1895.

CHAPTER CCCLXXXVII.

An Act to enable cities of the first class of this state to issue bonds in order to provide and maintain a supply of pure and wholesome water.

Cities may issue bonds to furnish a water supply.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the cities of the first class of this state, for the purpose of procuring and maintaining an adequate supply of pure and wholesome water, are hereby authorized to issue and provide for the payment of their bonds to the extent that may be necessary for that purpose, as provided in the second section of this act, bearing interest at a rate not exceeding five per centum per annum, payable within twenty-five years from their issue, to be sold at a price not below par, and to provide a sinking fund or funds for the redemption thereof.

Bonds may not be issued until certain conditions are complied with.

2. *And be it enacted*, That no issue of bonds shall be made, or the proceeds thereof used, to pay for the works, reservoirs, pipe lines, lands, water and water rights for a permanent supply of water, according to the terms of any option expressed in any contract for a supply of pure and wholesome water, until such purchase according to the terms of the option expressed in said contract has been submitted to popular vote in such city and been approved, provided that the issue of bonds hereunder, other than that authorized to pay for the purchase according to said option expressed in the contract aforesaid referred to, if exceeding five hundred thousand dollars, shall not be made until such issue, so exceeding five hundred thousand dollars shall be submitted to popular vote in such city and be approved.

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

Approved April 1, 1895.

CHAPTER CCCLXXXVIII.

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

Proceedings in condemnation.

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

Commissioners shall be appointed to appraise lands, assess damages, etc.

shall be directed by the justice making such appointment, not less than ten days; and it shall be the duty of the said commissioners (having first taken and subscribed an oath or affirmation before some person duly authorized to administer the same, faithfully and impartially to examine the matter in question, and to make a true report and appraisement as aforesaid in writing according to the best of their skill and understanding) to meet at the time and place appointed and to proceed to view and examine the said lands, water, water rights and other property and to make a just and equitable appraisement and assessment as aforesaid, to be paid by the said city; which report shall be made under the hands of the said commissioners, or any two of them, and within fifteen days thereafter, together with the description of the lands, water, water rights or other property and the appointment and oaths or affirmations aforesaid shall be filed in the clerk's office of the county within which such lands, water, water rights or other property are situated, to remain of record therein; and thereupon and on payment or tender of payment of the amount so awarded to the party or parties entitled thereto, the said city is hereby empowered to enter upon and take possession of and appropriate to its own use the said lands, water, water rights and other property, and all title thereto for the purpose for which the same is taken shall, upon such payment or tender, pass from the said owners and parties interested to the said city; and in case of a dispute between any owners or other parties interested as to their respective rights or shares in and to the sum so assessed or ascertained under this act, then the said city is hereby authorized to pay the sum assessed upon said lands, water, water rights and other property to the clerk of the county in which said lands, water, water rights or other property are situated, to be paid out and distributed between or among the parties entitled to the same by the order of the circuit court of said county upon the application of any one or more of them, on due notice to the others; and the said justice shall, upon the application of either party, or on reasonable notice to the others, tax and allow such costs, fees

Commissioners shall qualify.

And make report.

Report shall be filed.

In disputed cases sums assessed may be paid to county clerk for distribution.

and expenses to the commissioners and other persons performing any legal duty in the premises as he shall think equitable and right, which shall be paid by the said city; and if any or all of the said owners or other parties interested shall be absent from this state, or under any legal incapacity that disqualifies them from receiving legal payment of the money awarded him, her, it or them, then it shall be the duty of the city to pay the amount awarded to such person or persons to the clerk of the county in which said report is above directed to be filed; and it shall be the duty of the said clerk to receive the same, to be paid to the parties entitled thereto by the order of the judge of the circuit court of the said county upon his, her or their application for the same; and every and all such payments to the clerk shall, as to the said city, be equivalent to payment to the parties entitled thereto, and it shall operate to transfer the title and ownership of said lands, water, water rights and other property to said city as if made directly to the said parties; *provided, always*, that should the city or the owner or owners feel aggrieved by the report and award of the said commissioners, he, she, it or they may appeal from the said appraisement and award in respect to his, her, its or their interests therein to the next circuit court in the said county; *provided, however*, that no lands, water, water rights or other property purchased, condemned or held by any municipality in this state for the purposes of a water supply, and used or intended to be used for such purpose shall be condemned or taken under the authority of this act.

Fees, costs and expenses shall be allowed.

Proviso.

Proviso.

2. *And be it enacted*, That every appeal from the appraisement and award of the commissioners shall be made in the form of a petition to the said court and notice thereof shall be given to the other parties within fifteen days after the filing of the commissioners' report and award; which proceedings shall vest in the circuit court full authority, power and jurisdiction to hear and determine the question of the value of the land, water, water rights and other property and the damages sustained, if any, and thereupon the said court shall direct a proper issue to be framed between the parties for the trial of the said question, and order a jury of twelve

Form in which appeals shall be made.

men to be struck for the trial of the same and a view of the premises to be had by them; and the said issue shall be tried upon the like notice and in the like manner as other issues of fact in said court are tried; and it shall be the duty of the said jury to assess the value of the lands, water, water rights and other property in question, and the damages sustained, if any; and the party or parties appealing shall recover costs, if he, she, it or they shall succeed at the trial on appeal in changing the valuation or assessment thereof, and the damages in his, her, its or their favor and shall pay costs if he, she, it or they shall fail so to do; but no appeal shall prevent the city from taking the lands, water, water rights or other property upon filing the commissioners' report and award and payment or tender to the parties of the thereof, as hereinbefore provided; and a party accepting from the city the amount of the award of the commissioners shall not thereby waive the right of appeal: and upon the verdict of the jury fixing the value in damages, the court shall enter judgment for the amount thereof, with or without interest and costs, according to the provisions of this act and the principles of law applicable to the trial of similar issues in other cases, and the judgment so entered shall be the sum which the owner or owners or other parties interested are entitled to have from the city, for the said lands, water, water rights and other property and damages, and may be enforced in manner and form similar to other cases in which judgment is pronounced in said court; and when the commissioners' award is paid by the city into court, as hereinbefore provided, and an appeal is taken and judgment afterwards pronounced on the verdict, it shall be the duty of the court to order the money so paid into court applied to the payment of the said judgment and the surplus, if any, to be paid the city.

Values and damages shall be assessed by the jury.

Court shall enter judgment for amount.

Repealer.

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

Approved April 1, 1895.

CHAPTER CCCLXXXIX.

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.

Number of insertions in newspapers prescribed.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall not be necessary in any city of the first class in this state to publish any ordinance, notice or other matter of any kind now required by law to be published in newspapers or in official newspapers to hereafter publish such ordinance, notice or other matter for a longer space than five days, nor for more than five insertions in the daily official newspapers of such city, nor more than for one day or for one insertion in the official weekly newspapers of such city; but such boards making the designation of such official newspapers may by resolution provide that any ordinance, notice or other matter required by law to be published shall be published in the official newspapers for a longer time than is herein provided.

Certain readings of street improvement and sewer ordinances to be published by title only.

2. *And be it enacted*, That all ordinances of cities of the first class in this state to open, 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

All ordinances shall be recorded in full.

ordinance-book or books of the said board, and the said ordinance-books and all ordinances which have been duly passed 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.

Failure to make certain advertisement shall not invalidate ordinances.

3. *And be it enacted*, That no ordinance, notice or other matter required by law to be published in official daily newspapers shall be held invalid because of the failure to print such ordinance, notice or other matter required by law to be printed in all the official newspapers of such body or board; *provided*, such ordinance, notice or other matter so required to be printed and published shall have been duly printed and published in at least two official newspapers.

Cost of publication of ordinances granting certain privileges, etc., to be paid by grantees.

4. *And be it enacted*, That all ordinances granting to any person or corporation consent to the location of the tracks of a street railway, or consent to the location of pole lines or subways, or consent to the stringing of telegraph, telephone or other wires, or to the laying of pipes in any street, avenue or public highway in said city, or granting to any person or persons or to any corporation or corporations rights or privileges in the streets, avenues or public highways of such city, shall provide therein that all costs and expenses connected with the publication of such ordinance, and all costs of the publication of resolution or notices connected therewith, shall be paid by the person or persons, corporation or corporations, applying for such consent, right or privilege.

Age and circulation of newspapers shall be regarded.

5. *And be it enacted*, That in the selection of official newspapers in such cities, regard shall be had to the age and average circulation of the said newspapers in such city.

A weekly newspaper may be selected.

6. *And be it enacted*, That in any city of the first class it shall and may be lawful for the common council or other governing board having charge and control of the selection of official newspapers therein to appoint as an official newspaper for such city, a weekly newspaper printed and circulating in said city.

Present official newspapers continued temporarily.

7. *And be it enacted*, That until the designation provided for by this act is made the official newspapers

heretofore designated in any such city shall continue to be the official newspapers of such city.

Repealer.

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

Approved April 1, 1895.

CHAPTER CCCXC.

An Act to submit to popular vote the purchase of a supply of pure and wholesome water in cities of the first class in this state.

Question of purchase shall be submitted at an election.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That when any contract hereafter made by any city of the first class in this state for a supply of a pure and wholesome water contains an option for the acquiring by such municipal corporation of the works, reservoirs, pipe-lines, land, water and water rights for such supply on terms fixed in said contract, the question of purchase according to such option shall be submitted, at either any general or charter election, or election specially called, to the voters of such city, before the acquiring by purchase of the works, reservoirs, pipe-lines, land, water and water rights for such supply according to the terms of the option in said contract shall be effective.

Notice of election shall be advertised.

2. *And be it enacted*, That the elections herein authorized shall be held upon the proclamation of the mayor of such city, whereof ten days' notice shall be given by public advertisement in two daily newspapers circulating in such city.

How the election shall be conducted.

3. *And be it enacted*, That in case the elections herein authorized fall on the day of any general or charter election of such city, no separate ballots shall be required for the purpose of the vote on the adoption or

rejection of the question to purchase according to said option; each voter in favor of said purchase shall deposit a ballot containing the words "purchase of new water-supply accepted" written or printed thereon, and those who are opposed shall each deposit a ballot with the words "purchase of a new water-supply rejected" written or printed thereon; in case the elections as herein authorized should be special elections, then those voters who are in favor of the acceptance of said purchase shall each deposit a ballot containing the words "city of ——— (naming it), purchase of new water-supply accepted" written or printed thereon, and those who are opposed shall each deposit a ballot with the words "city of ——— (naming it), purchase of a new water-supply rejected" written or printed thereon; and it shall be the duty of the city clerk to furnish official ballots to all persons entitled thereto, properly printed, to enable the voters to cast their ballots for or against such purpose, as they may desire.

Election shall be canvassed in the ordinary way.

4. *And be it enacted*, That there shall be a canvass on the return of votes upon the question of such acceptance or rejection, by the election officers, in the same way and manner as for officers voted for at an election; and if a majority of the ballots cast, for or against said purchase, contain the words "purchase of new water-supply accepted," then the acquiring by purchase of the works, reservoirs, pipe-lines, land, water and water rights for such supply, according to the terms of the option in said contract, shall be of effect and binding upon the city and the same shall be forthwith consummated.

Cost and expenses of election shall be provided.

5. *And be it enacted*, That all extra cost and expenses of such election shall be provided by the board having control of the finances in such city by temporary loan bonds in anticipation of taxes, the same to be placed to the credit of the board of aldermen or common council of such city having charge of such election.

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

Approved April 1, 1895.

CHAPTER CCCXCI.

A Further Supplement to an act entitled "An act to enable cities in this state to furnish suitable accommodations for the transaction of public business," title as amended, approved April fifteenth, one thousand eight hundred and eighty-seven.

Terms of commissioner, clerk and employes shall cease on completion of the work.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That in any city of the first class in this state the term of office of every commissioner appointed under the provisions of an act entitled "An act to enable cities to furnish suitable accommodations for the transaction of public business," title as amended, approved April fifteenth, one thousand eight hundred and eighty-seven, and of the several supplements thereto and amendments thereof, and any clerk or other employes of any such commissioners, shall cease and determine on the day set out in the contract or contracts and mentioned as the day of the completion of work to be performed, by virtue of the contract or contracts heretofore entered into by said commissioners for the erection and completion of a city hall.

In certain cases the mayor shall appoint commissioners to complete the work.

2. *And be it enacted*, That in case the completion of any city hall in course of erection in any city of the first class under the provisions of said act and the supplements and amendments thereto, shall not be completed in the time set out as the date of completion in said contract or contracts, the completion of said city shall shall be committed to a board of city hall commissioners, to be composed of the treasurer and comptroller of such city and one citizen of said city, to be appointed by the mayor thereof; the person so appointed shall be designated as the president of the city hall commissioners; he shall hold his office during the pleasure of the mayor and shall receive an annual salary not exceeding two thousand dollars per annum, to be fixed at the time

President of the board only shall receive a salary.

of his appointment by the board which has control of the finances of such city; the city treasurer and city comptroller shall receive no salary as members of the board of city hall commissioners.

Board shall complete the work, and cause certain improvements to be made.

3. *And be it enacted*, That the board of city hall commissioners incorporated under section two of this act shall cause any city hall in course of erection in the city for which they shall be appointed, which is not completed at the time of their appointment, to be completed and duly furnished and equipped for the transaction of public business in such city; such board shall also, after such building shall have been completed and accepted by the city, cause the same to be properly lighted, cleaned, heated and maintained, and shall also have charge of the grounds adjacent thereto, and shall cause the same to be improved, lighted, guarded and maintained.

Powers and duties of the board.

4. *And be it enacted*, That the board of city hall commissioners incorporated under section two of this act shall become possessed of and invested with all of the powers and shall perform all the duties, including the disbursement of money now or hereafter placed to its credit, as is now provided by law, by any commissioners appointed under the provisions of an act entitled "An act to enable cities to furnish suitable accommodations for the transaction of public business," title as amended, approved April fifteenth, one thousand eight hundred and eighty-seven, and of the several supplements thereto and amendments thereof.

Financial board shall provide for payment of expenses.

5. *And be it enacted*, That the board having control of the finances of any city which shall have constructed or started the construction of or may hereafter construct a city hall under the provisions of the act to which this is a supplement, shall have power to borrow so much money as may be necessary for the completion of such city hall, and the furnishing and equipment thereof, and the laying out and improving of the grounds adjacent thereto, and issue the obligations of the city therefor, bearing interest at the rate not exceeding five per centum per annum, in an amount not exceeding one hundred thousand dollars beyond the amount heretofore issued or authorized for that purpose,

and make the same payable at such time and times as said board shall determine; and said board shall establish a sinking fund for the payment of said bonds.

Principal of bonds, etc., shall be raised by taxation.

6. *And be it enacted*, That the expense of lighting, heating, cleaning and maintaining such city hall after the completion thereof and of maintaining the grounds adjacent thereto, including the compensation of the president, if appointed, and the compensation of all necessary employes and any other lawful expenses of the said board of city hall commissioners, including the interest on bonds issued by virtue of the provisions of this act, the requirements of said sinking fund and the principal of said bonds as they accrue, shall be included in the annual tax levy of such city in each year.

Repealer.

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

Approved April 5, 1895.

CHAPTER CCCXCII.

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."

Legal holidays enumerated.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the following days and half days, namely, the first day 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 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 whatever as regards the presenting for payment or acceptance, and of the protesting and giving notice of the dishonor of bills of exchange, bank checks and promissory notes, made after the passage of this act, be treated and considered as the first day of the week, commonly called Sunday, and as public holidays or half hollidays; and all such bills, checks and notes otherwise presentable for acceptance or payment on any of said days shall be deemed to be payable and be presentable for acceptance or payment on the secular or business day next succeeding such holiday; but in the case of a half holiday shall be presentable for acceptance or payment at or before twelve o'clock noon of that day; *provided, however*, that for the purpose of protesting or otherwise holding liable any party to any bill of exchage, check or promissory note, and which shall not have been paid before twelve oclock at noon on any Saturday, a demand of acceptance or payment thereof may be made and notice of protest or dishonor thereof may be given on the next succeeding secular or business day; *and provided further*, that when any person shall receive for collection any check, bill of exchange or promissory note, due and presentable for acceptance or payment on any Saturday, such person shall not be deemed guilty of any neglect or omission of duty, nor incur any liability in not presenting for payment or acceptance, or collect such check, bill of exchange or promissory note on that day; *and provided further*, that in construing this section every Saturday, unless a whole holiday as aforesaid, shall, until twelve o'clock noon, be deemed a secular or business day; and the days and half days aforesaid shall be considered as the first day of the week, commonly called Sunday,

Commercial paper made payable on day succeeding legal holidays.

Proviso.

Proviso.

Proviso.

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.

When certain holidays fall on Sunday act shall apply to next succeeding day.

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

Proviso.

How act shall be construed as affecting private persons or corporations.

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

epealer.

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

Approved April 15, 1895.

CHAPTER CCCXCIII.

A Supplement to "An Act respecting the townships in this state, which have been or may hereafter be divided into wards," approved March seventh, one thousand eight hundred and ninety-five.

Certain act shall not be construed as applying to certain borough governments,

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the act to which this is a supplement shall not be held or construed to apply to such part of the territory of any township in this state divided into wards, as is defined by the description and boundaries contained in an application and proceedings for the formation of a borough government made and taken before the approval of the said act; but such defined and described territory may be formed into a borough by due course of law in all respects, as if the act to which this act is a supplement had not passed.

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

Approved April 15, 1895.

CHAPTER CCCXCIV.

Supplement to an act entitled "An act to fix the minimum amount of salary for the prosecutor of the pleas in the counties of the second class in this state," approved February twenty-ninth, one thousand eight hundred and eighty-eight.

Salary to be in full for all services.

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

salary of fifteen hundred dollars awarded to the several prosecutors of the pleas of the counties of the second class in this state by the act to which this is a supplement, to be paid to them as therein enacted, shall be in full for all the services performed by the said prosecutors, under and pursuant to the laws of this state, in their several counties, and before any and all courts of this state, in the prosecution of indictments and in the argument of the same, and proceedings thereunder on writs of error, certiorari or other proceedings for review.

Unlawful to make appropriation for extra services.

2. *And be it enacted*, That it shall be unlawful for the boards of chosen freeholders in their respective counties to make any appropriation for the payment of the public money of said county to said prosecutors of the pleas for alleged extra services in performance of their said duties, or otherwise, over and above their said salary.

Repealer.

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

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

Passed June 4, 1895.

CHAPTER CCCXCV.

An Act to amend an act entitled "An act relative to the state-house and adjacent public grounds," passed May twenty-fifth, one thousand eight hundred and ninety-four.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section one of the act entitled "An act relative to the state-house and adjacent public grounds," passed May twenty-fifth,

one thousand eight hundred and ninety-four, be and the same is hereby amended so as to read as follows:

Section as amended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be the duty of the governor, treasurer and comptroller of this state to take general charge of the care and safe keeping of the state capitol, the property contained therein and the adjacent public grounds; and for this purpose they shall have power by a majority vote to appoint a custodian of the capitol and adjacent grounds, who shall hold his appointment at the pleasure of the said governor, treasurer and comptroller, or a majority thereof, and who shall be paid monthly such compensation as the said governor, treasurer and comptroller, or a majority thereof, shall fix; *provided*, that such compensation shall not exceed two thousand dollars per annum.

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

Section as amended.

2. *And be it enacted*, That the said custodian shall be under the direction and subject to the control of the said governor, treasurer and comptroller, or a majority thereof; it shall be the duty of said custodian, subject to said direction and control, to preserve the several rooms and offices in the state-house and the adjacent grounds from injury, and to keep the occupied parts of the said state-house properly furnished, cleaned, warmed and lighted, and for this purpose he shall, subject to the direction and control of said governor, treasurer and comptroller, or a majority thereof, employ, fix the compensation of, and discharge all necessary engineers, mechanics, laborers, messengers and other persons, and, subject to the aforesaid direction and control, make all purchases necessary to carry out the provisions of this act; and all employees shall, subject to the aforesaid direction and control, be under the supervision of said custodian, who shall render and certify to the said governor, treasurer and comptroller monthly accounts of all wages and expenses.

3. *And be it enacted*, That section four of the above-

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

Section as amended.

4. *And be it enacted*, That under the direction and control of the governor, treasurer and comptroller, or a majority thereof, the said custodian shall take charge of the distribution of and have bound the volumes of laws, law and equity reports, minutes of the house of assembly, senate journal, legislative documents and other documents published under the authority of the state, and shall distribute the same as now is or shall be provided for by law.

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

Passed June 4, 1895.

CHAPTER CCCXCVIII.

An Act to prevent corporations organized under the banking laws of this state, or under the act entitled "An act for the incorporation of safe deposit and trust companies," approved April twentieth, one thousand eight hundred and eighty-five, and the various supplements thereto, their officers or agents, from acting as brokers or agents in the business of fire insurance for the benefit and profit of such corporation, and to provide a penalty for the violation of the provisions thereof.

Corporation officers or agents prohibited from acting as insurance brokers or agents.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That any corporation now or hereafter to be organized under the banking laws of this state, or under the act entitled "An act for the incorporation of safe deposit and trust companies," approved April twentieth, one thousand and eight hundred and eighty-five, and the various supplements thereto, their officers or agents, be and the same are hereby pro-

hibited from acting as brokers or agents in the business of fire insurance for the benefit and profit of such corporation.

Penalty for violation of act.

2. *And be it enacted*, That any corporation or person violating the provisions of this act shall be liable to a penalty of five hundred dollars for each and every such violation, to be sued for and recovered in any of the courts of this state having competent jurisdiction, upon complaint made by the commissioner of banking and insurance, or by any citizen of this state; one-half of such penalty when recovered, shall be paid to the local firemen's relief association in the city, borough, town or township, wherein the violation was committed, if there be such association therein, and if not, then to be paid in equal shares to the several firemen's relief associations in the county wherein the violation occurred, and the other half to the state.

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

Passed June 4, 1895.

CHAPTER CCCXCIX.

An Act to provide for the abolition of poll-taxes assessed for county purposes in counties of the first class in this state.

Poll tax abolished.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That there shall hereafter be no poll-tax or tax upon the person assessed upon any inhabitant of any county of the first class in this state for any county purpose, and that all poll-taxes or taxes against the person now authorized to be assessed for such purpose in any such county, whether the same is authorized by general, special or local law of this state, be and the same are hereby abolished.

Money for special purposes to be raised by taxation.

2. *And be it enacted*, That in all cases where the statute providing for the imposition of poll-taxes or taxes upon the person in any county of the first class in this state for any county purpose provides that such taxes shall be used for any special county purpose, whether the purpose be the redemption of bonds, the payment of interest on the same or otherwise, it shall be lawful to provide the necessary moneys for such special purpose by raising the same by taxation in the same manner, and at the same time as other taxes are now raised and assessed in the county for whose benefit said poll-tax has heretofore been assessed and collected.

Act how applied.

3. *And be it enacted*, That this act shall apply to the taxes to be raised for the year one thousand eight hundred and ninety-five, and all subsequent years.

Repealer.

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

Passed June 4, 1895.

CHAPTER CCCC.

An Act to repeal the act entitled "An act relating and regulating the government of cities," approved February fourth, eighteen hundred and ninety-five.

Act repealed and not to be published in newspapers.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the act entitled "An act relating and regulating the government of cities" (being chapter two), approved February fourth, eighteen hundred and ninety-five, be and the same is hereby repealed, and the said act so repealed shall not be published by authority of the state in the newspapers, and this act shall take effect immediately.

Approved June 10, 1895.

CHAPTER CCCCI.

An Act concerning appropriations of money.

Appropriations heretofore made not to be drawn from the treasury.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That from and after the first day of November, eighteen hundred and ninety-five, no money shall be drawn from the treasury unless it shall have been explicitly appropriated by the annual appropriation act to the purpose for which it is drawn.

Appropriations recited.

2. *And be it enacted*, That the following appropriations heretofore made but not yet drawn, that is to say:

For Princeton battle monument, act of 1888, fifteen thousand dollars;

For drainage and water-supply at state prison, act of 1888, thirty thousand dollars;

For "Hood's" index to statutes of the state, act of 1890, five thousand dollars;

For erection of chapel at reform school, act of 1891, seven thousand dollars;

For new gas plant at state prison, act of 1892, one thousand six hundred dollars; shall not be available or be drawn from the treasury until they be specifically hereafter appropriated and authorized by the annual appropriation act.

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

Approved June 10, 1895.

CHAPTER CCCCII.

An Act to repeal an act entitled "An act to provide for the furnishing of stationery and other necessary supplies for the use of the senate and general assembly," approved March twenty-sixth, eighteen hundred and ninety-five.

Act repealed.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the act entitled "An act to provide for the furnishing of stationery and other necessary supplies for the use of the senate and general assembly," approved March twenty-sixth, eighteen hundred and ninety-five, be and the same is hereby repealed, and that this act shall take effect immediately.

Approved June 10, 1895.

CHAPTER CCCCIII.

An Act to repeal an act entitled "An act to appropriate a portion of the annual income of the fund for the support of free schools of this state to sundry purposes connected with the support of public free schools," approved April fourth, eighteen hundred and eighty-five.

Act repealed.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That "An act to appropriate a portion of the annual income of the fund for the support of free schools of this state to sundry

purposes connected with the support of public free schools," approved April fourth, eighteen hundred and eighty-five, and the several supplements thereto, be and the same are hereby repealed, and this act shall take effect on the first day of November next.

Approved June 10, 1895.

CHAPTER CCCCIV.

An Act to repeal an act entitled "An act to provide for the distribution of the publications of the geological and topographical surveys of the state to the several public free schools of the state, and to provide for the payment of the cost and expenses thereof out of the income or revenue of the fund for the support of the public free schools of this state," approved April ninth, eighteen hundred and eighty-nine.

Act repealed.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the act mentioned in the title of this act be and the same is hereby repealed.

Approved June 10, 1895.

CHAPTER CCCCV.

An Act to repeal an act entitled "A supplement to an act entitled 'An act to establish a system of public instructon' [Revision], approved March twenty-seventh, one thousand eight hundred and seventy-four," which supplement was approved March twenty-seventh, eighteen hundred and eighty-nine.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the supplement mentioned in the title to this act be and the same is hereby repealed. Act repealed.

Approved June 10, 1895.

CHAPTER CCCCVI.

An Act to repeal section sixty of the act entitled "An act to establish a system of public instruction" [Revision], approved March twenty-seventh, one thousand eight hundred and seventy-four, as amended by chapter forty-nine of the laws of eighteen hundred and ninety-three, approved March seventh, eighteen hundred and ninety-three.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the sixtieth section of the act entitled "An act to establish a system of public instruction, as amended by chapter forty-nine of the laws of eighteen hundred and ninety-three," Act repealed.

approved March seventh, eighteen hundred and ninety-three, be and the same is hereby repealed.

Approved June 10, 1895.

CHAPTER CCCCVII.

An Act to repeal an act entitled "An act for the support and improvement of the New Jersey school for deaf-mutes," approved March twenty-first, eighteen hundred and ninety-three.

Act repealed.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the act mentioned in the title of this act, being chapter two hundred and fifty-five of the laws of eighteen hundred and ninety-three, be and the same is hereby repealed.

Approved June 10, 1895.

CHAPTER CCCCVIII.

An Amendment to the act entitled "A supplement to an act entitled 'An act for the classification of cities in this state for the purposes of municipal legislation in relation thereto, approved March fourth, one thousand eight hundred and eighty-two,' " which supplement was approved April second, one thousand eight hundred and ninety-one.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section two

of the act to which this is an amendment shall be and the same is hereby amended so as to read as follows:

Section as amended.

2. *And be it enacted*, That whenever any city has become, or shall hereafter become by reason of its population, a member of another class in accordance with the classification above referred to, the laws theretofore in force applicable to such city shall be deemed to be applicable and to have remained applicable thereto, except so far only as the governing body thereof, by ordinance, shall declare or have declared otherwise, or shall in some other manner have manifested an intention to be subject to the laws of the other class; all laws passed subsequently to the promulgation of the census which shows that a city contains such a population as will change its classification, shall be applicable to such city as a member of the class to which it shall then belong, except where repugnant to any law or laws in force in said city under its old classification and not by ordinance or official action as aforesaid declared inapplicable.

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

Approved June 10, 1895.

CHAPTER CCCCIX.

A Supplement to an act entitled "An act concerning official fees and rendering an account thereof," approved March fourteenth, one thousand eight hundred and seventy-nine.

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

Section as amended.

1. That the clerk in chancery and the clerk of the supreme court shall severally keep a true public record

of all the fees and compensation received by them for their own use from all sources in their respective offices under the provisions of any law of this state, and shall respectively make a statement, account and report under oath to the comptroller of this state within ten days after the expiration of each term of court of the gross amount of all such fees and compensation so received by them during the next preceding term, whether the same were earned in that term or previously; and they shall also in such statement include a statement of the actual amount expended by them during said preceding term for the current expenses of their office.

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

Approved June 10, 1895.

CHAPTER CCCCX.

An Act to provide for officers of the senate and general assembly and to fix their compensation.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That hereafter the officers of the senate and general assembly other than the presiding officers shall be those named in this act, and no others, and that such officers shall receive the annual compensation provided in this act, which shall be in full payment of all their services, and all acts heretofore passed fixing the compensation of such officers, or providing for officers of said two houses, or either of them, and all acts and parts of acts inconsistent with this act are hereby repealed.

2. *And be it enacted*, That the following shall be the officers of the Senate, who shall severally receive the annual compensation herein prescribed, that is to say:

The secretary of the senate, fifteen hundred dollars;

The assistant secretary of the senate, twelve hundred dollars;
The president's secretary, six hundred dollars;
The engrossing clerk, twelve hundred dollars;
The assistant engrossing clerk, six hundred dollars;
Journal clerk, one thousand dollars;
Assistant journal clerk, five hundred dollars;
The calendar clerk, five hundred dollars;
The bill clerk, five hundred dollars;
The clerk of the committee on engrossed bills, five hundred dollars;
The sergeant-at-arms, seven hundred dollars;
The assistant sergeant-at-arms, five hundred dollars;
Five door-keepers, three hundred and fifty dollars each;
Four pages, two hundred dollars each.

3. *And be it enacted*, That the following shall be the officers of the house of assembly, who shall severally receive the annual compensation herein prescribed, that is to say:

The clerk of the house, fifteen hundred dollars;
The assistant clerk, twelve hundred dollars;
The speaker's secretary, six hundred dollars;
The speaker's assistant secretary, four hundred dollars;
The journal clerk, one thousand dollars;
The assistant journal clerk, five hundred dollars;
The engrossing clerk, thirteen hundred dollars;
Two assistant engrossing clerks, six hundred dollars each;
The sergeant-at-arms, seven hundred dollars;
Two assistant sergeants-at-arms, five hundred dollars each;
Bill clerk and one assistant bill clerk, five hundred dollars each;
Clerk to the committe on engrossed bills, five hundred dollars;
Four clerks to committees, three hundred dollars each;
Twelve doorkeepers, three hundred and fifty dollars each;
Ten pages, two hundred dollars each.

4. *And be it enacted*, That none of the officers whose compensation is herein provided for shall draw from the treasury more than one-half of such compensation until the final adjournment of the regular annual session of the legislature.

Approved June 11, 1895.

CHAPTER CCCCXI.

An Act to amend an act entitled "An act for the support and improvement of the New Jersey school for deaf-mutes," approved March thirtieth, eighteen hundred and eighty-eight.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the second section of the act entitled "An act for the support and improvement of the New Jersey school for deaf-mutes," approved March thirtieth, eighteen hundred and eighty-eight, be and the same is hereby repealed.

2. *And be it enacted*, That the moneys required by the first section of said act to be paid for the support of the pupils taught in said school, shall hereafter be paid out of the state fund and not out of the school fund, and that this act shall take effect on the first day of November, one thousand eight hundred and ninety-five.

Approved June 11, 1895.

CHAPTER CCCCXII.

An Act to repeal existing acts relative to the printing, advertising and distribution of the laws, proceedings of the legislature and public documents.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the sixth, seventh and eighth sections of an act entitled "An act relative to the laws of this state, the proceedings of the legislature and the distribution thereof, and of the laws of the United States," approved April sixteenth, eighteen hundred and forty-six, [Revision 1122], be and the same are hereby repealed. Repealer.

2. *And be it enacted*, That the act entitled "An act relative to the publication of the laws of this state in the newspapers," approved April twenty-first, eighteen hundred and seventy-six, [Revision 1126], and the several supplements thereto [Supplement to Revision, 971 et seq.], be and the same are hereby repealed. Repealer.

3. *And be it enacted*, That a joint resolution entitled "A joint resolution relative to the publication of laws in German newspapers," approved March ninth, eighteen hundred and seventy-seven, [Revision 1127], be and the same is hereby repealed. Repealer.

4. *And be it enacted*, That the act entitled "An act relative to public printing," approved March second, eighteen hundred and seventy-seven, [Revision 1127], be and the same is hereby repealed. Act repealed.

5. *And be it enacted*, That the act entitled "An act relative to the pamphlet laws of the state, approved March ninth, eighteen hundred and seventy-seven, [Revision 1128], be and the same is hereby repealed. Act repealed.

6. *And be it enacted*, That the act entitled "An act to provide for the publication of the laws, joint resolutions and proclamations of this state in the New Jersey law journal," approved March second, eighteen hun- Act repealed.

dred and eighty-one, [Revision, Sup. 972], be and the same is hereby repealed.

Act repealed. 7. *And be it enacted*, That the act entitled "An act relative to the publication of the laws in the newspapers of this state," approved May twenty-eighth, eighteen hundred and eighty-six, [Revision, Sup. 973], be and the same is hereby repealed.

Act repealed. 8. *And be it enacted*, That the act entitled "An act fixing the compensation for publishing the laws in the newspapers," approved March ninth, eighteen hundred and eighty-two, [Revision, Sup. 973], be and the same is hereby repealed.

Act repealed. 9. *And be it enacted*, That the act entitled "An act to regulate the publication and printing of the public laws of this state in the newspapers thereof," approved May fourth, eighteen hundred and eighty-six, [Revision, Sup. 973], be and the same is hereby repealed.

Act repealed. 10. *And be it enacted*, That the act entitled "An act respecting the printing and publication of the laws, and to limit the cost thereof to fifty thousand dollars a year," approved May twenty-ninth, eighteen hundred and eighty-six, [Revision, Sup. 973], be and the same is hereby repealed.

Act repealed. 11. *And be it enacted*, That the act entitled "An act relative to public printing," approved March twenty-third, eighteen hundred and eighty-three, being chapter one hundred and sixty-three of the laws of eighteen hundred and eighty-three, [Revision, Sup. 974], together with the supplements thereto, be and the same are hereby repealed.

Act repealed. 12. *And be it enacted*, That the act entitled "An act relative to public printing," approved March twenty-third, eighteen hundred and eighty-three, being chapter two hundred and seven of the laws of eighteen hundred and eighty-three, [Revision, Sup. 975,] be and the same is hereby repealed.

Act repealed. 13. *And be it enacted*, That the act entitled "An act to provide for a deficiency in the appropriation for the publication of the laws of one thousand eight hundred and eighty-six in the newspapers," approved April twenty-second, eighteen hundred and eighty-seven, be and the same is hereby repealed.

14. *And be it enacted*, That the act entitled, "An act relative to the publication of the laws of this state in the newspapers," approved May sixth, eighteen hundred and eighty-seven, and the supplement thereto, approved May sixteenth, eighteen hundred and eighty-nine, and the supplement to said supplement, approved April seventh, eighteen hundred and ninety, and also the supplement to said original act, which was approved March twenty-eighth, eighteen hundred and ninety-two, be and the same is hereby repealed. Act repealed.

15. *And be it enacted*, That the act entitled "An act to legalize certain newspaper publications," approved May ninth, eighteen hundred and eighty-nine, be and the same is hereby repealed. Act repealed.

16. *And be it enacted*, That the act entitled "An act relative to the publication of the laws of this state in the newspapers," passed May twenty-fifth, eighteen hundred and ninety-four, be and the same is hereby repealed. Act repealed.

17. *And be it enacted*, That chapter seventy-three of the laws of eighteen hundred and eighty-three, entitled "An act explanatory of section twenty-four of the act entitled 'An act relative to public printing,'" approved March twenty-fourth, one thousand eight hundred and eighty-two, which explanatory act was approved March eighth, eighteen hundred and eighty-three, be and the same is hereby repealed. Act repealed.

18. *And be it enacted*, That this act shall take effect on the first day of October, eighteen hundred and ninety-five.

Passed June 13, 1895.

CHAPTER CCCCXIII.

An Act for the publication of the laws.

Laws of each session shall be printed.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the laws enacted at each session of the legislature shall be printed in the same general style and with the same compactness and upon an equally good quality of paper as the volume of laws in the year eighteen hundred and eighty-three, and the acts shall be inserted in the order in which they are delivered to the secretary of state, all the chapters being arranged in their numerical order, and shall contain but one index, which shall be prepared by the secretary of state and by him delivered to the printer of the laws within ten days after the last act of the session has been received by him.

Index by whom prepared.

Comptroller to advertise for proposals to print volume of laws.

2. *And be it enacted*, That the comptroller shall advertise in two newspapers published in each of the cities of Trenton, Camden, Paterson, Jersey City and Newark, at least once a week for three weeks during the month of September in each year, for sealed proposals to print the volume of laws, in accordance with specifications to be prepared by him under direction of a printing board to consist of the governor, comptroller and treasurer, which proposals shall be submitted to the comptroller on or before the fifteenth day of October, and a contract shall be awarded by the printing board to the lowest responsible bidder complying with the specifications, and said contract shall be made with the state, and may contain such conditions and stipulations as may be determined by the printing board; before the contract is delivered the party accepting the same shall enter into a bond to the state with one or more sureties in double the consideration of the contract, payable to the state of New Jersey, conditioned for the faithful performance of the terms of the contract, which bond shall be filed in the office of the secretary of state; and

Contract—how awarded.

all work performed in fulfillment of such contract shall be done within the limits of this state.

Secretary of state to furnish copies to printer.

3. *And be it enacted*, That it shall be the duty of the secretary of state upon the filing in his office of each act of the legislature to forthwith furnish a copy thereof to the printer having the contract to print the laws, who shall print the same from day to day as he receives them, so that all laws passed in one week may be laid before the legislature by Monday night of the following week; he shall print twenty-five thousand copies thereof and deliver to the custodian of the state-house in stitched sheets at least four thousand copies thereof from day to day as printed, and said custodian shall forthwith from day to day deliver one hundred copies to the secretary of the senate, three hundred copies to the clerk of the house, two copies to each state officer and as many more copies as may be required by the legislature or said state officers; he shall also forthwith, from day to day, distribute among the county clerks and city clerks of the state, in a fair proportion, at least fifteen hundred copies, and he shall supply a copy to every citizen who may in person or by mail apply for the same; and if the custodian requires for these purposes more than said four thousand copies, he may make requisition upon the printer for additional copies, which shall be supplied accordingly; *provided*, that the printer shall retain in his possession, in sheets for binding, at least ten thousand copies until the close of the legislative session, and all the copies of the laws so retained by the printer shall, at the close of the session, be by him stitched and bound in paper volumes as heretofore, and delivered to the custodian of the state-house at the close of the legislative session, and the same shall be distributed by the custodian in accordance with law.

Number of copies.

Custodian of state house to distribute copies.

Proviso.

Resolutions and proclamations to be printed in volume.

4. *And be it enacted*, That a copy of all joint resolutions and proclamations of the governor shall be delivered to the printer by the secretary of state, forthwith after he received the same, to be included in the volume of laws as heretofore.

Passed June 13, 1895.

CHAPTER CCCCXIV.

An Act to abolish printing in foreign languages by authority of the state.

Laws and documents to be printed in the English language only.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That hereafter no laws or public documents shall be printed, published or advertised by the authority or at the cost of the state, except in the English language.

Passed June 13, 1895.

CHAPTER CCCCXV.

An Act providing for commissioners to confer with like representatives of the state of New York for the acquisition of the Palisades of the Hudson river by the United States, and making an appropriation therefor.

Appointment of commissioners.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the governor is hereby authorized to appoint three citizens of the state as commissioners to meet and confer with like commissioners or authorized representatives of the state of New York, for the purpose of adopting such means as may be deemed expedient and necessary in the view and for the object of securing action by the government of the United States for the acquisition of that part of the west shore of the Hudson river within the states of New York and New Jersey known as the Palisades of the Hudson, to be set apart as a reservation or for the purposes of fortification.

2. *And be it enacted*, That the commissioners on the part of this state, when appointed, shall meet at such time and place as may be agreed upon by like commissioners or other representatives of the state of New York, for the purpose herein provided, and they shall report such action and proceedings as may be taken from time to time, and within the current year to the governor, who, in his discretion may terminate the office of said commissioners of this state. Said commissioners shall receive no compensation for services, but they shall be entitled to receive their actual disbursements, for expenses incurred while in the performance of their duties, but not exceeding in the aggregate for any purpose, the sum hereby appropriated. In case any person appointed as such commissioner shall not undertake the office, or in case of a vacancy occurring in said commission for other cause, such vacancy may be filled by the governor.

Commissioners to report to the Governor.

Expenses—how paid.

3. *And be it enacted*, That the sum of one thousand dollars, or so much thereof as may be necessary, is hereby appropriated out of any money in the treasury not otherwise appropriated, for the purposes of this act, payable by the treasurer on the warrant of the comptroller upon vouchers of said commissioners duly verified.

Appropriations for expenses.

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

Approved June 13, 1895.

CHAPTER CCCCXVI.

An Act determining what newspapers shall be qualified to publish legal notices and proceedings.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all newspapers printed in the English language and regularly

Newspapers qualified to print and publish legal notices &c.

printed and published in this state at least once a week, and which shall have been so printed and published for at least one year continuously, shall be qualified to print and publish all legal notices, proceedings and advertisements of whatever nature required to be published by the state or any local government or by any officer, board or commission; nothing in this act shall be construed to disqualify any newspaper now qualified by law to publish such notices, proceedings and advertisements.

Passed June 13, 1895.

CHAPTER CCCCXVII.

A Supplement to the act entitled "An act appropriating scrip for the public lands granted to the state of New Jersey by the Act of Congress, approved July second, one thousand eight hundred and sixty-two," approved April fourth, eighteen hundred and sixty-four.

Preamble.

WHEREAS, The commissioners named in said act, approved April fourth, eighteen hundred and sixty-four, "to take charge of such scrip and as agents of the state to sell and dispose of the same at such time or times and in such mode as may appear to be most advantageous and safe," did invest the proceeds of the sale thereof in "war bonds" of the state of New Jersey, a portion of which bonds have already matured and been paid, and the balance thereof will mature January first, eighteen hundred and ninety-seven, and January first, nineteen hundred and two;

AND WHEREAS, The monies received by said commissioners in payment of said bonds already matured and paid are uninvested, owing to the inability of said commissioners to invest the same conformably to the said act of Congress, and said moneys and the further

funds to be received by said commissioners will remain uninvested and the objects of said act of Congress and of said act of the legislature of this state, approved April fourth, eighteen hundred and sixty-four, thereby defeated;

AND WHEREAS, The governor, by special message, has recommended legislation to meet the requirements of the situation,

Commissioners to pay over moneys to sinking fund.

1. BE IT ENACTED, *by the Senate and General Assembly of the State of New Jersey*, That forthwith on the passage of this act the said commissioners named in said act, approved April fourth, eighteen hundred and sixty-four, shall transfer and pay over the funds now in their hands or deposited to their credit, to the official or officials having charge of the sinking fund of this state; and said commissioners shall, from time to time hereafter, as moneys shall be by them received under said act, approved April fourth, eighteen hundred and sixty-four, likewise pay over and transfer the same to the state sinking fund; and thereafter the said moneys so transferred or paid over shall be incorporated with and become part and parcel of the sinking fund of this state and dealt with in all respects as part and parcel thereof.

Upon payment the treasurer and comptroller to issue certificate.

2. *And be it enacted*, That upon payment or transfer of any such moneys as aforesaid to the sinking fund of the state, the state treasurer and comptroller shall issue and deliver therefor to said commissioners, a certificate of this state to the effect that the state will pay to said commissioners, semi-annually, five per centum of the amount so paid into or transferred to the sinking fund, so long as said act of congress and the laws of this state, passed in pursuance thereof, shall be in all things and by all parties observed and complied with.

Percentum—to whom paid.

3. *And be it enacted*, That the percentum paid to said commissioners upon any certificate issued under this act, shall be by them paid over to the person or persons, body or bodies, now or hereafter entitled by law to receive the same.

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

Approved June 13, 1895.

CHAPTER CCCCXVIII.

An Act relative to the dairy commissioner.

Appropriation—how expended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the sum hereafter annually appropriated may be expended by the dairy commissioner in the enforcement of the several laws regulating the sale of milk, butterine, oleomargarine, food and drugs, from which sum the salary of the dairy commissioner shall be paid; and he shall hereafter monthly submit his accounts and vouchers to the state board of health, who shall audit and approve the same, and the same shall be paid by warrants drawn by the comptroller made payable directly to the several persons employed by the dairy commissioner, except in the case of small and incidental expenses, in which cases the dairy commissioner may present bills in his own name.

Commissioner to submit accounts and how paid.

Repealer.

2. *And be it enacted*, That all acts and parts of acts inconsistent with this act be and are hereby repealed, and that this act shall take effect November first, eighteen hundred and ninety-five.

Approved June 13, 1895.

CHAPTER CCCCXIX.

An Act to abolish the inferior courts of common pleas, courts of oyer and terminer and general jail delivery and courts of general quarter sessions of the peace, and to establish in their place a county court in each of the counties of this state, and to provide for and define the jurisdiction, powers and duties of such county courts.

Courts abolished.

1. BE IT ENACTED, *by the Senate and General Assembly of the State of New Jersey*, That the inferior courts of common pleas, courts of oyer and terminer and general jail delivery and courts of general quarter sessions of the peace in the several counties of this state, be and the same are hereby abolished, and that a county court be and the same is hereby established in each of the counties of this state, to be known and designated as the (name of county) county court, and which shall be a court of record, with the jurisdiction, powers and duties hereinafter stated and defined, and the common seal of the county shall be the seal of the county court therein.

County courts established and powers.

When voters to elect judge.

2. *And be it enacted*, That the legal voters of each of the counties in this state shall, at the next election for members of the general assembly, elect one judge to hold the county courts hereby established therein.

Judges to be commissioned and term of office.

3. *And be it enacted*, That said judges shall be elected from among the qualified voters of the counties in and for which they are elected respectively; they shall be members of the bar of this state, and shall be commissioned by the governor, and hold office for the term of five years from and after the first day of December next; their successors shall be elected for terms of five years at the election for members of the general assembly held next before the expiration of each term, and in

Vacancies—how filled.

case any vacancy shall occur more than thirty days preceding any such election, the governor shall appoint and commission a judge qualified as aforesaid, to hold office until the first day of December following such appointment, and if any vacancy shall occur within such period of thirty days, such appointment and commission shall expire on the first day of December in the year next following, and the successors of the judges so appointed shall be elected at the election for members of the general assembly next preceding the expiration of the term for which they shall have been appointed;

Judge to take oath.

each judge before entering upon the duties of his office shall take and subscribe an oath to support the constitution of the state of New Jersey and of the United States and to faithfully and impartially perform all his official duties as such judge according to the best of his ability and understanding; which oath shall be administered by a justice of the supreme court and filed

Oath filed in office of secretary of state.

in the office of the secretary of state; and no judge elected or appointed under this act in any county having more than twenty thousand inhabitants, according to the then preceding state or national census, shall be

Not to practice in courts.

allowed to practice in any of the courts of the county in which he is elected or for which he may be appointed.

Annual salaries.

4. *And be it enacted*, That the annual salary of the judges elected in counties containing more than two hundred thousand inhabitants, according to the then next preceding state or national census, shall be seven thousand and five hundred dollars; the annual salary of each of the other judges of said county courts shall be as follows, namely: judges elected in counties having between one hundred thousand and two hundred thousand inhabitants, according to such census, shall receive the sum of five thousand and five hundred dollars; in counties having between eighty thousand and one hundred thousand inhabitants, according to such census, five thousand dollars; in counties having between seventy thousand and eighty thousand inhabitants, according to such census, four thousand and five hundred dollars; and in counties having between forty-seven thousand and seventy thousand in-

habitants, according to such census, four thousand dollars; in counties having between twenty-eight thousand and forty-seven thousand inhabitants, according to such census, three thousand dollars; and in counties having between twenty thousand and twenty-eight thousand inhabitants, according to such census, two thousand and four hundred dollars; and in counties having less than twenty thousand inhabitants, according to such census, fifteen hundred dollars; such salaries shall be paid by the collector or treasurer of the respective counties in equal monthly payments, and shall be in lieu of all fees and other compensation whatsoever, and shall not be changed during the term for which any judge shall have been elected or appointed; and all fees which are now by law divided among or paid to the judges or to any judge of any of the courts hereby abolished shall not hereafter be taxed or collected.

Salary full compensation in lieu of fees, &c.

5. *And be it enacted*, That the justices of the supreme court of this state, together with the judges to be elected or appointed in pursuance to this act, shall be judges of the county courts, and any county court may be held by any justice of the supreme court or by any judge of any of the county courts or by any such justice and judge sitting together; the clerks of the several counties shall be clerks of the county courts therein, respectively, and shall be entitled to the same fees as have been payable heretofore for similar services, and the sheriffs, coroners, elisors and constables of the several counties of this state, for the time being, shall be the ministerial officers of the county courts held within their respective counties, and shall execute all writs, orders and processes issuing out of said courts and to them directed and delivered, and make true return thereof according to the command of the same, and they shall be entitled to the same fees as heretofore for similar services.

Who to constitute judges of county courts.

County clerks to be clerks of court.

6. *And be it enacted*, That the county courts in the several counties in the state shall have jurisdiction and cognizance of all crimes, misdemeanors and offenses whatsoever which by the laws of this state are or shall be of an indictable or presentable nature, and which have been or shall be committed, done or attempted

Jurisdiction of county courts

within the counties repectively, and of causes of civil and penal action arising therein; and the said county courts shall have, and they and each of them are hereby invested with and may exercise all the jurisdiction, powers and authority heretofore conferred upon or lawfully exercised by any and all of the courts mentioned in the first section of this act; both by way of original jurisdiction and on appeal; and for the purpose of properly hearing and determining the matters and causes of action committed to said county courts in and by this act, and to facilitate the administration by said courts of the laws applicable to such matters and causes of action, it shall be lawful for said courts to proceed in the manner and according to the methods, rules and practice heretofore provided, established and prevailing in any of the courts hereby abolished until such methods or practice shall be changed by rules, as provided in this act or otherwise, according to law; and all proceedings and acts had and taken before such county courts shall be of the same validity, force and effect as if the same were had and taken prior to the passage of this act before the several courts of oyer and terminer and general jail delivery and general quarter sessions of the peace, and the courts of common pleas in the several counties of this state; and every judge of a county court shall have and may exercise all the rights and powers which have heretofore been vested in or exercised by any judge or law judge or president or presiding judge or by the judges of any of the said courts acting or sitting together, and shall perform all the duties heretofore imposed on or required of any such judge or judges; *provided*, that a justice of the supreme court shall preside at the trial of any presentment or indictment for a crime punishable by death.

Persons may waive indictment and trial by jury.

7. *And be it enacted*, That whenever any person shall be charged upon oath or affirmation with any offense cognizable before such county courts, and the person so charged shall, in writing signed by him or her, and addressed to the prosecutor of the pleas of the county, waive indictment and trial by jury and request to be tried immediately before the county court of the county in which it is charged that such offense was committed,

it shall be the duty of the prosecutor to apply to the judge of the county court of such county to appoint a special session of such court for the purpose of trying such person, and such judge is hereby authorized to appoint such session and try the person so charged for such offense.

Proceedings commenced to be transferred and continued in courts established.

8. *And be it enacted*, That all proceedings of whatever kind that shall have been commenced before the first Monday of December next in any of the courts abolished by this act shall, on said Monday of December, be transferred to and continued in the county courts of the respective counties in which such proceedings shall have been commenced and shall be proceeded with as if commenced originally in the county courts; and all suits and proceedings that shall have been commenced, and all orders and judgments that shall have been made or entered in any of the courts hereby abolished prior to the said Monday of December next, shall be continued and enforced by said county courts as if originally made or entered therein; and all records of said courts hereby abolished, and all papers and documents on file in the offices of the clerks thereof relating to said courts or to proceedings therein, shall, on and after said Monday of December, be taken, treated and regarded as records of the county courts respectively, and the same or copies thereof may be certified or exemplified by the judges and clerks of said courts respectively in the manner provided or required by law.

Judges to adopt rules of practice.

9. *And be it enacted*, That the judges of the county courts respectively may adopt and settle rules of practice in all matters not regulated by statute for the government of said county courts and of proceedings therein, and may, from time to time, alter, repeal and modify the same as occasion may require.

Terms of courts.

10. *And be it enacted*, That the terms of the county courts shall begin in each county at the time and place of beginning the terms of the circuit courts therein, and they may adjourn from time to time and hold special terms when deemed necessary; all writs and processes issuing out of any county court shall be tested in the name of the judge thereof, or in the name

Writs and processes how tested.

of a judge authorized to hold such court; and it shall be lawful for said county courts, in their discretion at any time when the general panel of jurors shall not be in attendance, to issue a special venire to summon a jury for the trial of any cause that may be pending therein on the application of either or any party thereto.

Special venire.

Final judgments may be removed.

11. *And be it enacted*, That any final judgment of a county court may be removed into the supreme court by writ of error or certiorari in the same manner as final judgments of the courts of common pleas, courts of oyer and terminer and general jail delivery, and general quarter sessions of the peace have heretofore been removed.

Repealer.

12. *And be it enacted*, That all acts and parts of acts, general, special or local, inconsistent with the provisions of this act, be and the same are hereby repealed; *provided*, that the several courts mentioned in the first section of this act shall continue to exist and exercise their jurisdiction and powers as heretofore until the first Monday of December next.

Passed June 13, 1895.

CHAPTER CCCCXX.

An Act relative to the fees collected by the secretary of state for the use of the state.

Fees to be reported to comptroller.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all fees and other moneys received by the secretary of state for the use of the state from corporations or others, except judicial fees and fees received by him as clerk or register, shall be by him reported to the comptroller for audit and registry at the close of each month, with a full and detailed statement thereof giving the dates and items, and showing the names of the corporations or persons from whom said moneys were received, which state-

ment shall be examined and audited by the comptroller and filed in his office, and the secretary of state shall thereafter forthwith pay over the amount of such fees and other moneys to the state treasurer under a penalty of five hundred dollars for each day's neglect to file such statement and to pay over such moneys, to be recovered in the name of the treasurer of the state of New Jersey for the use of the state in an action of debt in the New Jersey supreme court.

Amount to be paid to state treasurer.

2. *And be it enacted*, That hereafter no moneys received by the secretary of state in any capacity for the use of the state shall be by him retained and expended, but the gross amount thereof shall be returned and paid to the state.

Moneys not to be retained,

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

Repealer.

Approved June 13, 1895.

CHAPTER CCCCXXI.

An Act relating to aldermen and members of common councils in cities of this state.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That no alderman or common councilman or member of any board of aldermen or member of any common council of any city of this state, shall hold office or perform the duties of alderman or member of any board of aldermen or common council in this state after the expiration of the term for which he was, has been or shall hereafter be elected, notwithstanding that his successor or their successors in office may not have been elected, or, if elected, may not have qualified.

No alderman or councilman to hold office or perform duty after expiration of term.

2. *And be it enacted*, That all acts and parts of acts inconsistent with the provisions of this act be and the

Repealer.

same are hereby repealed, and that this act shall take effect immediately.

Passed June 13, 1895.

CHAPTER CCCCXXII.

An Act relating to school commissioners and members of boards of education in cities of this state.

Members of Board of education to hold office or perform duties after expiration of term.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That no school commissioner or member of any board of education of any city of this state, shall hold office or perform the duties of school commissioner or member of any board of education in any city in this state after the expiration of the term for which he was, has been or shall hereafter be elected, notwithstanding that his successor or their successors in office may not have been elected, or, if elected, may not have qualified.

Repealer.

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

Passed June 13, 1895.

CHAPTER CCCCXXIII.

An Act relating to vacancies in the office of alderman or common councilman, or in boards of aldermen or common councils in cities of the first class in this state.

Vacancies—how and by whom filled.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That any vacancy or vacancies which may now or hereafter exist in the office of member of the board of aldermen or common council in any city of the first class in this state, whether the vacancy shall have occurred through the failure to hold an election in any ward or aldermanic district in the said city, or in the wards or aldermanic districts of such city, or through the death of any such officer, or from any cause whatever, shall be filled by the mayor of such city by appointment; and the person so appointed by such mayor as alderman, councilman or member of the board of aldermen or common council shall hold office until the next charter or municipal election, at which said municipal or charter election aldermen or members of the board of aldermen or common council shall be elected from the ward or aldermanic district or wards or aldermanic districts in which such vacancy or vacancies occurred or shall occur for the remainder of the said unexpired term or terms, and the aldermen or the members of the boards of aldermen or common council appointed as aforesaid, shall continue to perform the duties of aldermen and members of the common council until such time as the person so elected to fill said vacancies shall have been elected and shall have qualified.

Persons appointed to hold office until successor is elected and qualified.

Repealer.

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

same are hereby repealed, and that this act take effect immediately.

Passed June 13, 1895.

CHAPTER CCCCXXIV.

An Act relating to vacancies in the office of school commissioners or in boards of education in cities of the first class in this state.

Vacancies—by whom and how filled.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That any vacancy, or vacancies, which exists or hereafter may exist in the office of school commissioner or of member of the board of education in any city of the first class in this state, whether the vacancy shall have occurred through the failure to hold an election in any ward or aldermanic district in the said city, or in the wards or aldermanic districts of such city, or through the death of any such officer, or from any cause whatever, such vacancy or vacancies shall be filled by appointment by the mayor of such city; and the person so appointed by such mayor as school commissioner or member of the board of education, shall hold office until the next charter or municipal election, at which said municipal or charter election school commissioners or members of the board of education shall be elected for the balance of the said unexpired term or terms, and the school commissioners or the members of the boards of education appointed as aforesaid, shall continue to perform the duties of school commissioners or members of the board of education until such time as the person so elected to fill said vacancies shall have been elected and shall have qualified.

Persons appointed to hold office until successor is elected and qualified.

Repealer,

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

Passed June 13, 1895.

CHAPTER CCCCXXV.

A Further Supplement to an act to regulate fees [Revision], approved April fifteenth, one thousand eight hundred and forty-six.

Fees of clerk of supreme court.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That hereafter the clerk of the supreme court shall be entitled to receive for searching the records the following fees, and no more: For a search, for judgments, attachments, recognizances, docketed judgments and docketed decrees from chancery and from the circuit courts, and all other records which may become a lien upon real estate, four cents for each year or fraction thereof for each name, and five cents for stating a judgment; *provided*, that the fee for a search and certificate shall in no case be less than twenty-five cents.

Proviso.

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

Passed June 13, 1895.

CHAPTER CCCCXXVI.

An Act to repeal "An act relating to acts and joint resolutions in the hands of the governor and not approved by him on the final adjournment of each session of the legislature or presented to him after said adjournment," approved March twelfth, eighteen hundred and eighty.

Act repealed.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the act en-

titled "An act relating to acts and joint resolutions in the hands of the governor and not approved by him on the final adjournment of each session of the legislature or presented to him after said adjournment," approved March twelfth, eighteen hundred and eighty [Revision Supplement 977], be and the same is hereby repealed, and this act shall take effect immediately.

Passed June 13, 1895.

CHAPTER CCCCXXVII.

A Supplement to an act entitled "An act to provide for drainage and sewage in densely-populated villages in which there is a public water-supply," approved March tenth, one thousand eight hundred and ninety-one.

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

Section as amended.

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

proceedings shall be had as hereinafter provided by section nine of this act; *provided*, that until such agreement or proceedings shall so determine the necessity, manner, point of discharge, location and terms and conditions for building such outlet sewer, nothing in this act contained shall apply to or in anywise affect or authorize proceedings to condemn lands or territory lying outside the bounds of said village; *and provided, further*, that nothing in this act contained shall authorize the construction of such outlet sewer outside such village except in the territory of an adjoining township or municipality which actually bounds said village. Proviso. Proviso.

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

Passed June 13, 1895.

CHAPTER CCCCXXVIII.

A Further Supplement to an act entitled "An act respecting the court of chancery," approved April sixteenth, one thousand eight hundred and forty-six.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the clerk in chancery shall not be paid by the state any compensation or expenses for the arranging, labeling and docketing of the pleadings and other papers filed in the office of the clerk of the court of chancery, or for any other services required by chapter five hundred and ninety-eight of the laws of eighteen hundred and seventy-one, being the supplement of April sixth, one thousand eight hundred and seventy-one, to an act respecting the court of chancery; but all such services shall be rendered and performed by the clerk in chancery without compensation and at his own expense. Clerk in chancery to receive no compensation for docketing, &c., papers. Services to be rendered without compensation.

2. *And be it enacted*, That the clerk in chancery shall receive no compensation, nor any sum for expenses

Clerk to receive no compensation nor for expenses for services in certain suits.

except for blanks and stationery, for services rendered by him in suits and proceedings commenced on behalf of the state to enforce the payment of taxes by corporations or to enjoin corporations from doing business because of the non-payment of taxes; but all services of the clerk in such suits and proceedings shall be rendered by the clerk without charge.

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

Passed June 13, 1895.

CHAPTER CCCCXXIX.

An Act making appropriation for the expenses of the office of the secretary of state.

Appropriation for compensation of clerical assistants and printing list of corporations.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That there be and is hereby appropriated for the compensation of clerical assistants and incidental expenses in the office of the secretary of state from the first day of June to the thirty-first day of October, eighteen hundred and ninety-five, the sum of eighteen hundred dollars, or so much thereof as may be necessary, and for printing the annual list of corporations for eighteen hundred and ninety-four such sum as may be necessary therefor after the bills for the same shall have been audited by the comptroller.

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

Approved June 13, 1895.

CHAPTER CCCCXXX.

An Act to amend an act entitled "An act to amend the law relating to the property of married women" [Revision], approved March twenty-seventh, one thousand eight hundred and seventy-four.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That section five of the act entitled "An act to amend the law relating to the property of married women" [Revision], approved March twenty-seventh, one thousand eight hundred and seventy-four, be and the same is hereby amended so as to read as follows:

Section as amended.

5. *And be it enacted*, That any married woman shall, after the passing of this act, have the right to bind herself by contract with any person in the same manner and to the same extent as though she were unmarried, which contracts shall be legal and obligatory, and may be enforced at law or in equity, by or against such married woman, in her own name, apart from her husband; *provided*, that nothing herein shall enable such married woman to become an accommodation indorser, guarantor or surety, nor shall she be liable on any promise to pay the debt, or answer for the default or liability of any other person; *provided further*, *however*, that if on the faith of any indorsement, contract of guaranty or suretyship, promise to pay the debt or to answer for the default or liability of any other person, any married woman obtains, directly or indirectly, any money, property or other thing of value, for her own use, or for the use, benefit or advantage of her separate estate, she shall be liable thereon as though she were unmarried, anything herein contained to the contrary notwithstanding.

Repealer.

2. *And be it enacted*, That all acts and parts of acts, inconsistent herewith be and the same are hereby re-

pealed, and that this act shall take effect immediately.

Passed June 13, 1895.

CHAPTER CCCCXXXI.

An Act to regulate the location of pest-houses, crematories and other objectionable structures.

Unlawful to locate, erect, &c., pest house, crematory, &c., without consent of municipalities.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall not be lawful for any person or corporation, or for any municipal corporation, to locate, erect, build or establish or maintain, either temporarily or permanently, any pest-house or hospital or building for the treatment of contagious diseases, or for the reception of persons suffering from any contagious or infectious disease, or any crematory or building or receptacle for the collection or treatment or disposal of garbage, house waste or other refuse matter, within any city, town, township, borough or other municipal corporation of this state, without first obtaining the consent thereto of the governing body of such city, town, township, borough or other municipal corporation within the territorial limits of which it is proposed to locate or maintain any such structure; which consent may be given by resolution and upon such terms and conditions as may be embraced in such resolution.

Repealer.

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

Passed June 13, 1895.

CHAPTER CCCCXXXII.

An act to regulate the use of lands which may have been acquired or which may hereafter be acquired for the purpose of erecting or constructing any sewage receptacle or works or place for treating or disposing of sewage or house waste beyond their own territorial limits by densely populated villages in this state in which there is a water-supply without the consent of the governing body of the township or other municipality in which such lands are situated.

Unlawful to construct sewage receptacle or works without consent of municipalities.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall not be lawful for any village in this state in which the population has become or shall hereafter become so dense as to average not less than one thousand inhabitants to every square mile of territorial area contained in such village, and to which a supply of water for public and domestic use is furnished or shall hereafter be furnished from water works, to erect or construct any sewage receptacle or works for the purpose of disposing of the sewage or house waste from such village upon any land which may have been heretofore acquired or which may be hereafter acquired by such village in any other township or municipality until such village shall have secured the consent by resolution of the township committee or other governing body of the township or other municipality within whose boundary such lands are located; *provided, however*, that the resolution granting the consent herein provided for before being operative shall have received the votes of a majority of the members of the township committee or other governing body of the township or other municipal corporation within which

Proviso.

such disposal works or other sewage receptacle are proposed to be located.

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

Passed June 13, 1895.

CHAPTER CCCCXXXIII.

An Act relative to public printing, stationery and blanks.

Comptroller to advertise for proposals.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That it shall be the duty of the comptroller to advertise in two newspapers published in each of the cities of Trenton, Camden, Paterson, Jersey City and Newark, at least once a week for three weeks during the month of September of each year for sealed proposals to print the journal of the senate, the minutes of the joint meeting and executive sessions, and the minutes of the house of assembly for the ensuing year, and all such official reports and public documents of whatever kind, including the current printing of the legislature, as may by the printing board hereinafter mentioned be required to be printed, in such quantity and manner and form as may be ordered by said board, in accordance with specifications to be issued by them, which proposals shall be submitted to the comptroller on or before the fifteenth day of October, and shall be opened in the presence of the printing board; such specifications and contracts shall be awarded to the lowest responsible bidder or bidders complying with the terms of the specifications; each contract shall contain a stipulation that the contractor shall, during the ensuing fiscal year, upon requisition of the comptroller, print any other or further documents required at the same rates of compensation as are provided in such contract, and the contract may

Contract—how awarded.

Stipulations in contract.

also contain such other provisions as the printing board may determine; such proposals shall remain of record in the comptroller's office.

Party awarded contract to enter into bond

2. *And be it enacted*, That the said board, before awarding any contract for public printing, shall require the party accepting the same to enter into bond with one or more sureties in double the consideration of the contract, payable to the state of New Jersey, conditioned for the faithful performance of the terms of the contract, which bond shall be filed and recorded in the office of the secretary of state.

Work to be done within the state and time of completion.

3. *And be it enacted*, That all work performed in fulfillment of any or all contracts made under the provisions of this act shall be done within the limits of this state, and all such printing of the annual reports shall be entirely completed in time to be laid before the legislature at their meeting in the following January.

Designation of printing board.

4. *And be it enacted*, That the governor, comptroller and treasurer shall constitute a board to be known as the printing board; it shall be their duty to supervise and have charge of all work done under this act; all reports and documents presented by state officers and others shall be submitted to their inspection in manuscript, and they shall determine what reports and documents, or parts of reports or documents, are of sufficient importance or value to be printed; they shall exclude from the printing such tables, supplements and appendices, and such reports and parts of reports as they shall think proper, with a view to presenting to the legislature in print only such portions thereof as they deem of importance, and also with the view to keeping within moderate and reasonable compass the volume of the public documents; they shall also determine the number of copies to be printed of each report or document; a majority of said board shall have all powers of the full board, and the comptroller shall be the secretary of the board.

Powers of.

Journal and minutes—how printed.

5. *And be it enacted*, That the journal of the senate, the minutes of the joint meeting and executive sessions, and the minutes of the house of assembly shall be printed in the same compact style in which the minutes of the assembly for eighteen hundred and eighty-five

Reports and other documents —how printed.

were printed and on equally good paper; and reports and other documents required by the printing board to be printed, shall be printed in the same compact style in which the annual report of the state geologist for the year eighteen hundred and ninety-three was printed; that the secretary of the senate shall cause to be prepared for the press copies of the journal of the senate, in which shall be included the minutes of the joint meetings and such parts of the executive journal of the senate as the senate shall order to be printed, and the clerk of the house of assembly shall cause to be prepared like copies of the minutes of the house of assembly, which copies so prepared shall be delivered to the persons to whom shall be awarded the contract for the printing thereof in such time as to permit of the same being printed as herein provided; said printer shall print and deliver to the sergeant at-arms of the senate for the use of the members thereof one hundred copies of the journal and to the sergeant-at-arms of the house of assembly for the use of the members thereof three hundred copies of the minutes so printed, the copies so delivered to be folded and stitched; such printing shall proceed so rapidly that on each Monday evening all parts of the journal and minutes of the previous week shall have been printed and delivered; there shall also be printed in like manner and style and using the same composition and type five hundred copies each of the journal and minutes aforesaid, which copies so printed shall be retained in sheets unfolded until final adjournment of the legislature and within fifteen days thereafter the secretary of the senate and the clerk of the house shall prepare and deliver to the printer an index of said journal and minutes respectively and within fifteen days after such delivery said printer shall print in brevier type five hundred copies of such indexes and deliver to the custodian of the state house for purposes of binding by the proper authorities the same in sheets unfolded, together with copies of the journal and minutes so retained as aforesaid.

Secretary of senate and clerk of house to prepare and furnish copy for printer.

Copies delivered to sergeant-at-arms weekly.

Index—by whom prepared and to whom delivered.

Reports to be made as of October 31, annually.

6. *And be it enacted*, That all boards, commissioners, state officers and other persons required by law to pre-

sent an annual report to the governor or to the legislature, shall make report as of the thirty-first day of October annually, and shall present the same in writing to the governor on or before the thirtieth day of November, to the end that the same may be examined by the printing board and speedily prepared for the printer; and any officer, commissioner or other person who shall fail to deliver said report on or before said thirtieth day of November, shall, as a penalty, forfeit one-half his salary or compensation from the thirtieth of November until the time when such report shall be so preseuted, and such forfeited compensation shall be withheld by the comptroller and treasurer.

Penalty.

7. *And be it enacted*, That it shall be the duty of the comptroller to advertise in like manner, during the month of May of each year, for proposals for printing all blanks and furnishing all stationery required for the use of the several departments and public offices of the state government for the ensuing year, in accordance with forms and samples to be submitted by him, said proposals to be asked for, not as a whole, but the stationery proposals to be made separate and distinct from the proposals for blanks, and the samples and specifications for each of the two proposals to be separately shown in the comptroller's office and separate contracts to be made therefor; and it shall be the duty of the head of each department and public office of the state government, in the month of April in each year, to furnish the comptroller with a statement of the amount and kind of stationery, and with samples of such blanks as will be needed by their respective departments.

Advertising for proposals for blanks and stationery for departments.

Heads of departments to furnish statement, &c.

8. *And be it enacted*, That it shall be the duty of the comptroller, upon the receipt of said proposals for printing blanks and furnishing stationery, to publicly open the same in the presence of the printing board and to contract for the said printing and stationery, with the approval of the board, upon the most advantages terms that may be offered, which proposals shall remain of record in his office; and contracts shall be awarded to the lowest responsible bidder in the same manner and upon like security as is above provided in

Proposals to be opened and contract awarded.

the case of contracts for printing public documents;
Proviso. *provided*, that the printing board may reject all bids and readvertise if they deem that the interests of the state require it; every such contract shall contain a provision that if additional printing or stationery shall be required during the ensuing year, it shall be furnished upon the requisition of the comptroller at the same rates and upon the same terms for like work and materials as those provided in the contract; and if, during the year, any department or public office shall require additional printing or stationery, the head of such department or office shall make written requisition upon the comptroller therefor, who, if he approve the same, shall endorse and forward the same to the contractor to be filled; and if said requisition contains work or materials of a kind not provided for in the contract, the same shall be furnished by the contractor at a fair price; and upon presenting his bill to the state he shall append thereto the said requisition, which shall be filed as a voucher.

Printing board authorized to employ an expert. 9. *And be it enacted*, That the printing board shall have authority to employ an experienced expert printer to assist them in preparing specifications, to examine proposals, and to report to the board the successful bidders; to examine all bills and certify to their correctness, and to examine all blanks and stationery and printed laws and documents, and to perform all such other duties as shall require the services of an expert printer.

Repealer. 10. *And be it enacted*, That all acts and parts of acts inconsistent with this act be and the same are hereby repealed.

Approved June 15, 1895.

CHAPTER CCCCXXXIV.

An Act making appropriations for the support of state government and for several public purposes for the fiscal year ending October thirty-first, one thousand eight hundred and ninety-six.

Annual appropriation.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the following sums, or so much thereof as may be necessary, be and they are hereby appropriated out of the state fund for the respective public officers, and for the several purposes herein specified, for the fiscal year ending on the thirty-first day of October, in the year one thousand eight hundred and ninety-six, namely:

EXECUTIVE DEPARTMENT.

Executive Department.

For the governor, for salary, ten thousand dollars;
For the private secretary of the governor, for salary, two thousand dollars;
For compensation for assistants in the executive department, two thousand dollars;
For blanks and stationery for the use of the executive department, one hundred dollars;
For postage, expressage and other incidental expenses for the executive department, seven hundred and fifty dollars.

OFFICE OF THE COMPTROLLER.

Office of Comptroller.

For the comptroller, for salary, six thousand dollars;
For the first assistant in the comptroller's office, for salary, twenty-five hundred dollars;
For compensation for other clerical service in the comptroller's office, thirty-five hundred dollars;

For blanks and stationery for use in the office of the comptroller, three hundred and twenty-five dollars;

For postage, expressage and other incidental expenses for the comptroller's office, five hundred dollars.

OFFICE OF THE TREASURER.

Office of treasurer.

For the treasurer, for salary, six thousand dollars;

For compensation for clerical services in the office of the treasurer, including assistants employed in the management of the sinking fund, fifty-nine hundred dollars;

For blanks and stationery, for use in the office of the treasurer, four hundred dollars;

For postage, expressage and other incidental expenses for the office of the treasurer, five hundred dollars.

OFFICE OF THE SECRETARY OF STATE.

Office of 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 all clerical or other service in the office of secretary of state under any and all laws imposing duties upon the secretary of state, whether as such, or as clerk or register of any court, or in connection with corporations or otherwise, including the allowance now made by law, seventy-five hundred and sixty dollars;

For postage, expressage and other incidental expenses for the office of secretary of state, eight hundred dollars;

For blanks and stationery for use in the office of the secretary of state, three thousand two hundred and fifty dollars.

ATTORNEY-GENERAL'S DEPARTMENT.

Attorney general's department.

For the attorney-general, for salary, seven thousand dollars;

For clerical assistant in the attorney-general's department, for salary, fifteen hundred dollars;

For compensation and expenses of assistants employed by the attorney-general, sixty-five hundred and thirty dollars;

For blanks and stationery for use in the office of the attorney-general, two hundred dollars;

For postage, expressage and other incidental expenses for the attorney-general's department, one hundred and twenty-five dollars;

For costs of the clerk of the court of chancery in suits for enforcement of taxes against miscellaneous corporations, one thousand dollars;

For master's fees for taking affidavits for the attorney-general's office, which shall include all such service required for the year, one hundred dollars;

For contingent fund, to be expended only with the approval of the governor and comptroller, for the fees of assistant attorneys and counsel in litigations which may arise under chapter one hundred and fifty-nine of the laws of one thousand eight hundred and eighty-four and chapter two hundred and eight of the laws of one thousand eight hundred and eighty-eight in the enforcement of corporate taxation, twenty-five hundred dollars.

STATE BOARD OF ASSESSORS.

State board of assessors.

For the members of the state board of assessors, for salaries, ten thousand dollars;

For the secretary of the state board of assessors for salary, twenty-five hundred dollars;

For compensation for clerical service in the office of the state board of assessors, thirty-six hundred dollars;

For blanks and stationery for use in the office of the state board of assessors, three hundred and fifty dollars;

For postage, expressage and other incidental expenses for the state board of assessors, three hundred dollars;

For compensation of surveyors, local assessors and witnesses, pursuant to chapter one hundred and one of the laws of one thousand eight hundred and eighty-four, twenty-five hundred dollars.

DEPARTMENT OF BANKING AND INSURANCE.

Banking and insurance.

For the commissioner of banking and insurance, for salary, four thousand dollars;

For the deputy commissioner of banking and insurance, for salary, twenty-five hundred dollars;

For compensation for assistants in the department of banking and insurance, forty-one hundred and eighty dollars;

For blanks and stationery for use in the department of banking and insurance, one thousand dollars;

For postage, expressage and other incidental expenses for the department of banking and insurance, five hundred dollars.

STATE BOARD OF TAXATION.

State board of taxation.

For the members of the state board of taxation, for salaries, eight thousand dollars;

For assistants in the office of the state board of taxation, twenty-four hundred and eighty dollars;

For blanks and stationery for use in the office of the state board of taxation, one hundred and fifty dollars;

For postage, expressage and other incidental expenses for the office of state board of taxation, three hundred dollars.

STATE LIBRARY.

State library.

For the librarian, for salary, two thousand dollars;

For compensation for assistants in the state library, eighteen hundred dollars.

For the repair, preservation and purchase of useful books for the state library, three thousand dollars.

STATE BOARD OF HEALTH.

State board of health.

For the state board of health, pursuant to the provissions of chapter sixty-eight, laws of one thousand eight hundred and eighty-seven, six thousand dollars;

For compensation to the secretary of said board, pursuant to said chapter, twenty-five hundred dollars;

For expenses to be incurred pursuant to chapter two hundred and twenty-five, laws of one thousand eight hundred and eighty-six, fifteen hundred dollars;

For blanks and stationery for use in office of state board of health, nine hundred and fifty dollars.

BUREAU OF STATISTICS.

Bureau of statistics.

For the chief of the bureau of statistics, for salary, twenty-five hundred dollars;

For the secretary of the bureau of statistics, for salary, twelve hundred dollars;

For the current expenses of the bureau of statistics, five thousand dollars;

For blanks and stationery for use in the office of the bureau of statistics, two hundred and fifty dollars.

STATE DAIRY COMMISSIONER.

Dairy commissioners.

For the commissioner, for salary, two thousand dollars;

For blanks and stationery and for the actual necessary expenses of the dairy commissioner in enforcing the laws relating to milk, oleomargarine, food and drugs, and in performing all other duties charged upon him by law, nine thousand dollars.

STATE HOUSE COMMISSION.

State house commission.

For the governor, treasurer and comptroller, for the care and safe-keeping of the state capitol, the property therein and adjacent public grounds, and for expenses to be incurred in carrying out the provisions of chapter three hundred and thirty-nine of the laws of one thousand eight hundred and ninety-four, sixty thousand dollars.

STATE MUSEUM.

For curator, for salary, fifteen hundred dollars.

New Jersey State Library

GEOLOGICAL SURVEY.

Geological survey.

For salaries and expenses of department of geological survey and for the completion of the geological survey of this state, pursuant to chapter three hundred of the laws of one thousand eight hundred and ninety-five, eight thousand dollars;

For expenses in connection with the publication of the reports and maps of the geological survey, five thousand dollars.

JUDICIARY.

SUPREME COURT.

Supreme court.

For the chief justice, for salary, ten thousand dollars;

For the associate justices of the supreme court, for salaries, seventy-two thousand dollars;

For the judges of the circuit courts, appointed pursuant to chapter seventy-eight, laws of one thousand eight hundred and ninety-three, for salaries, fifteen thousand dollars;

For compensation of sergeants-at-arms, one thousand dollars;

For blanks and stationery for the clerk of the supreme court, four hundred dollars.

COURT OF CHANCERY.

Court of chancery.

For the chancellor, for salary, ten thousand dollars;

For the vice chancellors, for salaries, thirty-six thousand dollars;

For compensation of sergeants-at-arms, thirty-five hundred dollars;

For compensation of stenographers, five thousand dollars;

For compensation and allowance of advisory masters, twenty-five hundred dollars;

For clerk in chancery, for arranging, labeling and

docketing the pleadings and other papers in his office, one thousand dollars;

For rent of rooms in Camden, Jersey City and Newark, for use of chancellor, vice chancellors and advisory masters, forty-five hundred dollars;

For miscellaneous expenses in connection with such rooms, one hundred dollars;

For blanks and stationery for clerk in chancery, eight hundred dollars.

COURT OF ERRORS AND APPEALS.

Court of errors and appeals.

For per diem allowance and mileage for judges of the court of errors and appeals, five thousand dollars;

For compensation of officers of court of errors and appeals, five hundred and twenty-five dollars.

COURT OF PARDONS.

Court of pardons.

For compensation of judges of court of pardons, three dollars by the day for every day they shall respectively attend the court, in all ten hundred dollars;

For compensation of subordinate officers, two hundred and fifty dollars.

COMMISSION ON PENAL LAWS.

Commission on penal laws.

For expenses of the commission pursuant to the provisions of joint resolution number one hundred and eleven of the year one thousand eight hundred and ninety-five, one thousand dollars.

LAW AND EQUITY REPORTS.

Law and equity reports.

For the publication of the chancery reports, thirty-seven hundred dollars;

For the publication of the law reports, twenty-four hundred dollars;

For salary of chancery reporter, five hundred dollars;

For salary of supreme court reporter, five hundred dollars;

For clerk of the court of chancery, for copies of opinions furnished chancery reporter, three hundred dollars;

For clerk of the supreme court, for copies of opinions furnished supreme court reporter, two hundred dollars;

For binding chancery and law reports, fourteen hundred dollars.

NATIONAL GUARD.

National guard.

For expenses for division, brigade and regimental headquarters, forty-five hundred dollars;

For allowances to gatling gun companies, fifteen hundred dollars;

For allowances to cavalry troops, two thousand dollars;

For allowances to companies of the national guard at the rate of five hundred dollars each, thirty thousand dollars;

For hospital and ambulance corps, one thousand dollars;

For camp and garrison equipage, quartermaster's stores and miscellaneous supplies, eight thousand dollars;

For new uniforms, nineteen thousand four hundred dollars;

For transportation for battalion drills, inspections and parades, and pay of brigade inspectors, three thousand dollars;

For compensation of officers and employes and expenses incurred in connection with rifle range and practice, eight thousand dollars;

For pay of officers and enlisted men and expenses incurred in connection with annual encampment, thirty thousand dollars;

For compensation of superintendent and employes, and for forage, fuel and maintenance of the state camp grounds, seven thousand dollars;

For expenses, repairs, water and maintenance of the state arsenal, twelve hundred dollars;

For expenses of military boards and courts-martial, eight hundred dollars.

REVISION OF CORPORATION LAWS.

Revision of corporation laws.

For expenses incurred by the commissioners pursuant to chapter three hundred and fifty-one of the laws of one thousand eight hundred and ninety-five, five hundred dollars.

ADJUTANT GENERAL'S DEPARTMENT.

Adjutant general.

For the adjutant-general, for salary, one thousand two hundred dollars;

For compensation for clerical service in the adjutant-general's office, thirty-four hundred dollars;

For blanks and stationery for use in the adjutant-general's office, six hundred dollars;

For postage, expressage and other incidental expenses for the adjutant-general's office, three hundred dollars.

QUARTERMASTER-GENERAL'S DEPARTMENT.

Quartermaster general.

For the quartermaster-general, for salary, twelve hundred dollars;

For compensation for assistants in the department of the quartermaster-general, seventy-seven hundred dollars;

For blanks and stationery for use in the quartermaster-general's department, one hundred dollars;

For postage, expressage and other incidental expenses for the quartermaster-general's department, one hundred dollars.

MONMOUTH BATTLE MONUMENT.

Monmouth battle monument.

For the commission having in charge the Monmouth battle monument and grounds, pursuant to chapter one

hundred and eighteen of the laws of one thousand eight hundred and eighty-six, five hundred dollars.

PENSIONS.

Pensions. For amount required to pay pensions, pursuant to various acts relative thereto, the sum of thirty-six hundred and fifty-six dollars;

For traveling expenses incurred in examining pension claims of New Jersey volunteers, one hundred and fifty dollars.

HOME FOR DISABLED SOLDIERS.

Home for disabled soldiers. For support of the New Jersey home for disabled soldiers, and for the chaplain thereof, thirty thousand dollars.

SOLDIERS' STATE PAY.

Soldiers state pay. For claims of volunteers in the late war, for state pay, pursuant to chapter thirteen of the laws of one thousand eight hundred and sixty-one, one hundred dollars.

WASHINGTON ASSOCIATION OF NEW JERSEY.

Washington association. For the trustees of the Washington association of New Jersey, twenty-five hundred dollars.

NAVAL RESERVE.

Naval reserve. For rent and maintenance of headquarters, three hundred dollars;

For rent and maintenance of two battalion headquarters, six hundred dollars;

For allowances for divisions at the rate of five hundred dollars each, in all three thousand dollars.

AGRICULTURE.

STATE BOARD OF AGRICULTURE.

For the state board of agriculture, six thousand dollars. State board of agriculture.

TUBERCULOSIS.

For expenses and payments by the state tuberculosis commission, pursuant to chapter three hundred and sixty of the laws of one thousand eight hundred and ninety-five, five thousand dollars. Tuberculosis.

AGRICULTURAL EXPERIMENT STATION.

For the expenses of the agricultural experiment station, fifteen thousand dollars. Agricultural experiment station.

BOARD OF VISITORS TO THE AGRICULTURAL COLLEGE OF NEW JERSEY.

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; Board of visitors, agricultural college.

For advertising pursuant to chapter nine of the laws of one thousand eight hundred and seventy-nine, ninety dollars.

STATE HOSPITALS.

STATE HOSPITAL AT TRENTON.

For maintenance of county patients, forty-three hundred dollars; State hospital at Trenton.

For support and clothing of insane convicts, at the rate of five dollars per week for each insane convict, five thousand dollars;

For salaries of resident officers, ten thousand two hundred dollars;

For appraisement of personal property, sixty dollars.

STATE HOSPITAL AT MORRIS PLAINS.

State hospital at Morris Plains.

For maintenance of county patients, forty-six thousand five hundred dollars;

For support and clothing of insane convicts, at the rate of five dollars per week for each insane convict, fourteen thousand five hundred dollars;

For salaries of resident officers, eleven thousand four hundred dollars;

For appraisement of personal property, seventy-five dollars;

For account of the appropriation of one hundred and twenty-five thousand dollars, pursuant to chapter two hundred and ninety-seven of the laws of one thousand eight hundred and ninety-five, there shall be available during the present fiscal year seventy-five thousand dollars, and no more, and the remainder of fifty thousand dollars shall be available during the fiscal year mentioned in the title of this act.

MANAGERS.

Managers.

For traveling expenses of the managers, six hundred dollars;

For the secretary of the board of managers, for salary, one thousand dollars;

For expenses in transferring insane convicts, one hundred dollars;

For medical examination of insane convicts, sixty dollars.

COUNTY LUNATIC ASYLUMS.

County lunatic asylum.

For the support of county patients in Essex county lunatic asylum, sixty thousand dollars;

In the Hudson county lunatic asylum, thirty-three thousand dollars;

In the Camden county lunatic asylum, fifteen thousand dollars;

In the Burlington county lunatic asylum, sixty-five hundred dollars;

In the Passaic county lunatic asylum, forty-five hundred dollars;

In the Gloucester county lunatic asylum, fifteen hundred dollars;

In the Cumberland county lunatic asylum, two thousand dollars;

In the Salem county lunatic asylum, twelve hundred dollars;

In all, the sum of one hundred and twenty-three thousand seven hundred dollars.

STATE PRISON.

State prison. For maintenance of convicts, eighty-five thousand dollars;

For furniture and repairs of state prison, ten thousand dollars;

For the principal keeper, for salary, three thousand five hundred dollars;

For the supervisor, for salary, three thousand dollars;

For the deputy keepers and employes, for salaries, eighty-five thousand dollars;

For the six inspectors, for salaries, three thousand dollars;

For the keeper, for payments to discharged convicts, two thousand dollars;

For account of the appropriation for enlargement and improvement of the state prison, pursuant to chapter three hundred and twenty-nine of the laws of one thousand eight hundred and ninety-five, one hundred thousand dollars.

STATE REFORMATORY.

State reformatory. For account of appropriation pursuant to chapter three hundred and fifty-seven of the laws of one thousand eight hundred and ninety-five, fifty thousand dollars.

REFORM SCHOOL FOR BOYS.

Reform school for boys.

For the trustees of the New Jersey state reform school for boys, pursuant to chapter one hundred and ninety-five of the laws of one thousand eight hundred and ninety-three, sixty-two thousand dollars;

For the trustees of said school, for expenses incurred by them in the discharge of their duties, pursuant to chapter four hundred and seventy-nine of the laws of one thousand eight hundred and sixty-five, two hundred and fifty dollars.

INDUSTRIAL SCHOOL FOR GIRLS.

Industrial school for girls.

For the trustees of the New Jersey state industrial school for girls, for the support of and necessary repairs to the school, pursuant to chapter eighty-six of the laws of one thousand eight hundred and ninety, twenty-one thousand dollars;

For the trustees of said school, for expenses incurred in the discharge of their duties, pursuant to chapter four hundred and twenty-eight of the laws of one thouand eight hundred and seventy-one, one hundred dollars.

STATE BOARD OF ARBITRATION.

State board of arbitration.

For the members of the board of arbitration, for salaries, six thousand dollars;

For the secretary of the state board of arbitration, for salary, two hundred dollars;

For blanks, stationery and other incidentals for use in the office of the state board of arbitration, three hundred dollars.

BOARD OF FISH AND GAME COMMISSIONERS.

Fish and game commissioners.

For the fish and game wardens, including the fish and game protector, for compensation, fifteen thousand six hundred dollars;

For expenses of the fish and game wardens and fish and game protector, five thousand one hundred dollars;

For expenses of the fish and game commissioners, eight hundred dollars.

DEAF AND DUMB, BLIND AND FEEBLE-MINDED.

Deaf and dumb, blind and feeble-minded.

For clothing, maintenance, support and instruction of the deaf and dumb, blind and feeble-minded persons, inhabitants of this state, sixty thousand dollars;

For maintenance, support and instruction of feeble-minded women, seventeen thousand dollars.

COMMISSION ON HOME FOR BLIND OR INCURABLES.

Commission on home for blind.

For expenses of the commission appointed pursuant to chapter three hundred and seventy-five of the laws of one thousand eight hundred and ninety-five, one hundred dollars.

COMMISSION ON EPILETICS.

Commission on epileptics.

For expenses of the commission pursuant to joint resolution number one of the year one thousand eight hundred and ninety-five, six hundred dollars.

FACTORIES AND WORKSHOPS.

Factories and workshops.

For the inspector and six deputy inspectors of factories and workshops, for salaries, pursuant to chapter one hundred and eight, laws of one thousand eight hundred and eighty-nine, eighty-five hundred dollars ;

For the necessary expenses incurred by the inspector and his deputies in the discharge of their duties, pursuant to said law, two thousand dollars.

STATE CHARITIES AID ASSOCIATION.

State charities aid association.

For expenses of the association, six hundred dollars.

WAR DEBT.

War debt. For amount required to pay on account of the principal of the war debt, due January first, one thousand eight hundred and ninety-six, fifty-seven thousand dollars.

SINKING FUND ACCOUNT.

Sinking fund. For the state treasurer for "sinking fund account," for payment on account of principal of the war debt falling due on the first day of January, one thousand eight hundred and ninety-six, ten thousand dollars;

For the state treasurer for "sinking fund account," for payment of interest on war debt falling due January first and July first, one thousand eight hundred and ninety-six, thirty-eight thousand dollars;

For the state treasurer for expenses in foreclosure and other necessary legal proceedings relative to sinking fund account, one thousand dollars.

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, two thousand dollars.

PRINTING.

Printing. For printing and binding public documents, thirty 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, five hundred dollars;

For preparing index of session laws, one hundred dollars;

For printing and circulation of the laws, the sum of ten thousand dollars.

PUBLIC ROADS.

Public roads.

For public roads, pursuant to the provisions of chapter two hundred and twenty-three of the laws of one thousand eight hundred and ninety-five, one hundred thousand dollars;

For the state commissioner of public roads, for his per diem allowance and expenses, two thousand dollars.

OYSTER COMMISSION.

Oyster commission.

For the purpose of carrying out the provisions of chapter two hundred and ninety of the laws of one thousand eight hundred and ninety-three, one thousand dollars.

LEGISLATURE.

Legislature.

For compensation of senators and members of the general assembly, forty thousand eight hundred and thirty-three dollars and thirty-two cents;

For compensation of officers and employes of the legislature, thirty thousand one hundred and fifty dollars;

For stationery for use of the legislative session, pursuant to chapter two hundred and eight of the laws of one thousand eight hundred and sixty-eight, five hundred dollars;

For manuals of the legislature of New Jersey, pursuant to chapter eighteen of the laws of one thousand eight hundred and ninety-one, two thousand dollars;

For indexing the journal of the senate and minutes of the executive sessions and the minutes of the house of assembly, and other incidental and contingent expenses of the legislature, sixty-seven hundred dollars;

For toilet and other necessary supplies for use at the legislative session, to be furnished by the state house commission, seven hundred dollars.

COLLATERAL INHERITANCE TAX.

Collateral inheritance tax

For surrogates' fees, appraisers' compensation and

expenses, legal and other disbursements, pursuant to chapter two hundred and ten of the laws of one thousand eight hundred and ninety-four, fifteen thousand dollars.

INSURANCE.

Insurance. For insurance upon the state-house and contents thereof, four thousand dollars.

REFUNDING TAXES ON EXEMPTED MISCELLANEOUS CORPORATIONS.

Refunding taxes. For taxes improperly levied upon exempted corporations and to be refunded pursuant to law, one thousand dollars.

WEATHER SERVICE.

Weather service. For the continuance of weather stations and preparation, printing and distribution of reports pursuant to chapter two hundred and fifty-eight of the laws of one thousand eight hundred and ninety-two, one thousand dollars.

MONUMENTS MARKING STATE BOUNDARY LINES.

Monuments marking boundary lines. For the riparian commissioners, pursuant to chapter one hundred and seventy of the laws of one thousand eight hundred and ninety-one, three hundred dollars.

BODIES THROWN UPON SHORES OF THE STATE BY SHIPWRECK.

Bodies by shipwreck. For expenses incurred in viewing bodies cast upon shores by shipwreck, one hundred dollars.

BOARD OF PILOT COMMISSIONERS.

Pilot commissioners. For expenses incurred by the commissioners, pursuant to chapter three hundred and seven of the laws

of one thousand eight hundred and ninety-five, twelve hundred dollars.

MANUAL TRAINING AND INDUSTRIAL SCHOOL AT BORDENTOWN.

Manual training school at Bordentown.

For maintenance of the manual training and industrial school at Bordentown, pursuant to the provisions of chapter three hundred and forty-nine of the laws of one thousand eight hundred and ninety-four, three thousand dollars.

REVISION OF STATUTES.

Revision of statutes.

For one thousand sets of the public acts of the legislature compiled and edited pursuant to chapter two hundred and three of the laws of one thousand eight hundred and ninety-five, eighteen thousand dollars.

COMMISSIONERS FOR PROMOTION OF UNIFORMITY OF LAWS.

Commission for promotion of unformity of laws.

For the commissioners for the promotion of uniformity of legislation in the United States for disbursements, pursuant to chapter two hundred and twenty-five of the laws of one thousand eight hundred and ninety-five, one thousand dollars.

FREE PUBLIC SCHOOLS.

Free public schools.

For the deficiency in the appropriation hereinafter made payable out of the income of the school fund, forty-five thousand dollars.

DEAF-MUTES.

Deaf mutes.

For the trustees of the New Jersey school for deaf-mutes for the teaching, maintenance and clothing of pupils taught therein, for purchase and repair of furniture, school apparatus and other appliances, for making needed improvements and repairs in the buildings and

grounds, for insurance thereof, and for maintaining the system of manual and industrial education in said school, forty thousand dollars.

STATE NORMAL SCHOOL.

Normal school.

For the support of the state normal school, twenty-eight thousand dollars;

For necessary repairs to the grounds, buildings and furniture, and for keeping the same insured, four thousand dollars.

FREE SCHOOL LIBRARIES.

Free school libraries.

For the formation of libraries in the free public schools of the state, four thousand dollars.

FARNUM PREPARATORY SCHOOL.

Farnum preparatory school.

For the support of the Farnum preparatory school at Beverly, twelve hundred dollars.

INDUSTRIAL EDUCATION.

Industrial education.

For payments to schools established for industrial education, pursuant to chapter one hundred and sixty-four, laws of one thousand eight hundred and eighty-one, eight thousand two hundred dollars;

For payments to schools for manual training, pursuant to chapter thirty-eight, laws of one thousand eight hundred and eighty-eight, twenty-five thousand dollars.

2. That the following sums, or so much thereof as may be necessary, be and they are hereby appropriated out of the income of the school fund for the respective public officers and for the several purposes specified for the fiscal year ending on the thirty-first day of October, in the year one thousand eight hundred and ninety-six, namely:

FREE PUBLIC SCHOOLS.

For the support of free public schools, two hundred thousand dollars. Free public schools.

SUPERINTENDENT OF PUBLIC INSTRUCTION.

For salary of state superintendent of public instruction, three thousand dollars; Superintendent of public instruction.

For clerical service in office of state superintendent of public instruction, forty-six hundred dollars;

For stationery and blanks, two thousand dollars;

For necessary incidental expenses incurred by the state superintendent of public instruction in the performance of his official duties and for supervision of manual training, fifteen hundred dollars.

SCHOOL FUND EXPENSES.

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, thirty-five hundred dollars. School fund expenses.

STATE BOARD OF EDUCATION.

For necessary expenses of members of the state board of education, one thousand dollars. State Board of education.

TEACHERS' INSTITUTES.

For expenses of teachers' institutes, twenty-one hundred dollars. Teachers' institutes.

TEACHERS' LIBRARIES.

For establishment of libraries for use of teachers, one hundred dollars. Teachers' libraries.

SCHOOL CENSUS.

School census. For compensation of the person having in charge the taking of the school census, fifteen hundred dollars.

RIPARIAN COMMISSION.

Riparian commission. For salaries of riparian commissioners, six thousand dollars;

For expenses incurred in the prosecution of the work of the commissioners, six thousand dollars.

STATE SCHOOL TAX.

State school tax. 3. That for the support of public free schools, for the equal benefit of all of the people of the state, there shall be paid to the county collectors of the several counties, in the manner provided by law, the following amounts on account of the annual state school tax, to wit:

To the collector of the county of Atlantic, forty-eight thousand nine hundred and four dollars and twelve cents;

To the collector of the county of Bergen, sixty-one thousand seven hundred and sixty-five dollars and eighty-seven cents;

To the collector of the county of Burlington, sixty-nine thousand four hundred and fifteen dollars and seventy-four cents;

To the collector of the county of Camden, one hundred and seven thousand five hundred and ninety-seven dollars and twenty-four cents;

To the collector of the county of Cape May, fourteen thousand eight hundred and nineteen dollars and sixty-six cents;

To the collector of the county of Cumberland, fifty-six thousand and seventy-eight dollars and twenty-six cents;

To the collector of the county of Essex, four hundred and ninety-seven thousand two hundred and eighty-six dollars and fifty-nine cents;

To the collector of the county of Gloucester, forty-two thousand one hundred and seventy-six dollars and eighty-three cents;

To the collector of the county of Hudson, four hundred and seventeen thousand seven hundred and seventy-four dollars and two cents;

To the collector of the county of Hunterdon, fifty-four thousand nine hundred and ten dollars and seventy-five cents;

To the collector of the county of Mercer, one hundred and fifteen thousand and twenty-one dollars and fourteen cents;

To the collector of the county of Middlesex, seventy-six thousand one hundred and six dollars and eighteen cents;

To the collector of the county of Monmouth, one hundred and twenty-six thousand two hundred and thirty-nine dollars and twenty-four cents;

To the collector of the county of Morris, seventy thousand four hundred and sixty-four dollars and seventy-seven cents;

To the collector of the county of Ocean, twenty-three thousand three hundred and ten dollars and nine cents;

To the collector of the county of Passaic, one hundred and forty-one thousand five hundred and ninety dollars and eighty-nine cents;

To the collector of the county of Salem, forty-two thousand two hundred and fifty-five dollars and forty-five cents;

To the collector of the county of Somerset, forty-six thousand seven hundred and thirty dollars and eleven cents;

To the collector of the county of Sussex, thirty-two thousand five hundred and fifty-one dollars and forty-one cents;

To the collector of the county of Union, ninety-eight thousand one hundred and ninety-two dollars and sixty-one cents;

To the collector of the county of Warren, fifty-three thousand and forty-nine dollars and three cents; in all,

the sum of two million one hundred and ninety-six thousand two hundred and forty dollars.

UNITED STATES APPROPRIATION TO AGRICULTURAL COLLEGE.

United States appropriation to agricultural college.

4. That there be paid to the treasurer of Rutgers college for the agricultural department thereof, for the more complete endowment and maintenance thereof for the benefit of agriculture and the mechanic arts, such sum as may be received from the United States under the act of congress, approved August thirtieth, one thousand eight hundred and ninety, estimated to be twenty thousand dollars.

AGRICULTURAL COLLEGE FUND.

Agricultural college fund.

5. That there be paid to the treasurer of Rutgers college for the agricultural department thereof, the income of the agricultural college fund established under the act of congress of July second, one thousand eight hundred and sixty-seven, held by the state treasurer, estimated to be the sum of six thousand nine hundred and twenty-four dollars.

UNITED STATES APPROPRIATION FOR DISABLED SOLDIERS.

United States appropriation for disabled soldiers.

6. That there be paid to the New Jersey home for disabled soldiers such sum as may be received from the United States under the act of congress to provide aid to state and territorial homes for disabled soldiers and sailors, approved August twenty-seventh, one thousand eight hundred and eighty-eight, estimated to be the sum of twenty-five thousand dollars.

Approved June 25, 1895.

JOINT RESOLUTIONS.

JOINT RESOLUTIONS.

NUMBER I.

Joint Resolution relating to epileptic persons and the care and treatment of the same.

Preamble.

WHEREAS, It appears that there are hundreds of epileptic persons in this state, many of whom are in our insane asylums and institutions for the feeble-minded, without those proper environments and that special care and treatment suited to their mental and physical condition; therefore

Commission to investigate—how composed.

1. BE IT RESOLVED *by the Senate and General Assembly of the State of New Jersey*, That a commission of five persons, residents of this state, three of whom shall be physicians and two laymen, be appointed by the governor, by and with the advice and consent of the senate, to make careful investigation of this subject, and report at the session of the legislature in the year one thousand eight hundred and ninety-six the results of their deliberations.

Appropriation for expenses.

2. *And be it resolved*, That a sum not exceeding six hundred dollars be and is hereby appropriated to meet the necessary expenses of the said commission in visiting the two state institutions for epileptics in New York and Ohio, and in making such other investigations as the commission may deem proper, and that the treasurer of the state, on the warrant of the comptroller, shall pay the aforesaid commission the expenses assumed within the above-named limits of six hundred dollars, the commission first specifying in writing the items of expense.

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

Approved February 19, 1895.

NUMBER II.

Joint Resolution home for disabled soldiers.

Preamble.

WHEREAS, It appears that there are within this state a number of needy and deserving veterans of the late war who would like to take advantage of the comforts offered by the "home for disabled soldiers," maintained by the people of this state, but who cannot do so without exposing their wives to want and suffering; *and whereas*, in many such instances, these wives have been the faithful helpmates and companions of their soldier-husbands during and since the close of the war, and are now too feeble to care for themselves apart from their husbands; therefore,

Governor may appoint commissioners to prepare a plan.

1. BE IT RESOLVED *by the Senate and General Assembly of the State of New Jersey*, That the governor be and is hereby authorized to nominate and appoint, with the advice and consent of the senate, five discreet commissioners, at least two of whom shall be members of the grand army of the republic, whose duty it shall be to prepare a plan for the erection and maintenance of a suitable home or homes for such cases as are referred to in the preamble to these resolutions.

Commissioners shall receive no compensation.

2. *And be it resolved*, That said commissioners shall report to the governor the result of their labors not later than the first day of December, anno domini one thousand eight hundred and ninety-five, and that the said commissioners shall serve without compensation.

Approved March 14, 1895.

NUMBER III.

Whereas, It appears that the inflexibility of our penal laws is an important factor in the reinforcement and perpetuation of the criminal class; therefore, Preamble.

1. BE IT RESOLVED *by the Senate and General Assembly of the State of New Jersey*, That a commission of five persons, residents of this state, two of whom shall be lawyers, one a clergyman and two laymen, be appointed by the governor, by and with the advice and consent of the senate, to make careful investigation of the subject named in the preamble of this resolution, and report at the next session of the legislature, in the year one thousand eight hundred and ninety-six, the results of their deliberations. Governor shall appoint commission with consent of senate.

2. *And be it resolved*, That a sum not exceeding one thousand dollars be and is hereby appropriated to meet the expenses of the said commission in investigating the results of the system now in use in Massachusetts, and also the system now in use in other states; also to report upon the principle of probation as a substitute for imprisonment for first offenses, and also to report upon the indeterminate sentence now in operation in Massachusetts, and in making such other investigations as the commission may deem proper, and that the treasurer of the state, on the warrant of the comptroller, shall pay the aforesaid commission the expenses assumed within the above-named limits of one thousand dollars, the commission first specifying in writing the items of expense. Appropriation for expenses.

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

Approved March 25, 1895.

PROCLAMATIONS.

PROCLAMATIONS.

PROCLAMATION BY THE GOVERNOR.

The people of this State have heard with great sorrow the sad intelligence of the sudden death of ex-Governor Joseph D. Bedle, in the city of New York, on Sunday, the twenty-first day of October instant.

The deceased was eminent as a citizen and distinguished as a public official.

From March twenty-third, 1865, to January eighteenth, 1875, he was an Associate Justice of the Supreme Court of this State: on the latter date he resigned his judicial office to assume the duties of Governor. His last public service was rendered in the present year as a member of the commission to report amendments to the System of Jurisprudence of this State.

Joseph D. Bedle embodied and exemplified uprightness in all the relations of private life, and in his public acts and career he was impartial, incorruptible, fearless and just.

It is meet and proper that exceptional respect be paid the memory of one so worthy:

Therefore, I, GEORGE T. WERTS, Governor of the State of New Jersey, do hereby direct that all the public buildings be draped in mourning for the period of thirty days and that until the day succeeding the funeral obsequies the flags thereon be placed at half mast; that during the funeral service the public offices be closed and a proper salute be fired.

In witness whereof, I have hereunto set my hand and caused the Great Seal of the State to be hereunto affixed at Trenton, this twenty-second day of October, in the year of our Lord one thousand eight hundred and ninety-four.

[SEAL.]

GEORGE T. WERTS,
Governor.

Attest:

JOHN S. MCMASTER,
Private Secretary.

PROCLAMATION BY THE GOVERNOR.

During the year now nearing its close, manifold blessings and mercies have attended the people of this State. Peace and prosperity have prevailed within our borders, and happiness has been our portion.

That we may fittingly and properly acknowledge these proofs of Divine favor, and testify our gratitude therefor, I, GEORGE T. WERTS, Governor of the State of New Jersey, do hereby designate and appoint Thursday, the twenty-ninth day of November, instant, to be observed as a day of Thanksgiving and praise to Almighty God.

I recommend that on the day thus designated all secular pursuits be, so far as possible, abandoned ; that the day be devoted to appropriate observances and exercises, and especially to the rendering of praise and thanks to the Heavenly Father for His past blessings and mercies, and prayer for His future gracious favor.

Witness my hand and the Great Seal of the State of New Jersey hereunto affixed. Done at the City of Trenton, this eighth day of
[L. S.] November, in the year of our Lord one thousand eight hundred and ninety-four, and of the Independence of the United States the one hundred and nineteenth.

By the Governor,
GEORGE T. WERTS.

HENRY C. KELSEY,
Secretary of State.

PROCLAMATION BY THE GOVERNOR.

With sincere sorrow, the Executive announces to the people of the State the death of ex-Governor Leon Abbett, on the afternoon of December fourth, instant.

The deceased was eminent as a statesman and distinguished as a jurist. The impress of his genius is stamped upon the legislation and jurisprudence of the State. During his day and generation he enjoyed the public confidence and esteem in a marked degree, and more and greater public honors were conferred upon him than upon any other citizen. He was twice Speaker of the Assembly and once President of the Senate. He enjoyed the exceptional and enviable distinction of having been twice elected to the office of Governor. At the time of his death he was honorably and with great ability filling the office of Justice of the Supreme Court.

It is fitting that extraordinary respect be paid the memory of a citizen so honored and respected in life.

Therefore, I, GEORGE T. WERTS, Governor of the State of New Jersey, in testimony of the public respect due the memory of Leon Abbett, and in recognition of his great public services, do hereby direct that the public buildings be draped in mourning for thirty days and that until and including the day of interment, the

flags thereon be placed at half mast and that during the funeral services the public offices be closed and a proper salute be fired.

Witness my hand and the Great Seal of the [SEAL.] State of New Jersey, hereunto affixed at Trenton, on the fifth day of December, A. D. eighteen hundred and ninety-four.

GEORGE T. WERTS,
Governor.

Attest:
JOHN S. MCMASTER,
Private Secretary.

PROCLAMATION BY THE GOVERNOR.

Pursuant to and in exercise of authority in me vested by a joint resolution of the legislature, relative to the planting of forest trees, approved February twenty-first, one thousand eight hundred and eighty-four, I, GEORGE T. WERTS, Governor of the state of New Jersey, do hereby designate and set apart Friday, the twenty-sixth day of April, instant, for the planting of forest trees, and recommend that the day thus designated and set apart be devoted by the people of the state to that purpose.

In witness whereof, I have hereunto set my [SEAL.] hand and caused the great seal of the state to be affixed at Trenton, this second day of April, one thousand eight hundred and ninety-five.

By the Governor,
GEORGE T. WERTS.

Attest:
JOHN S. MCMASTER,
Private Secretary.

PROCLAMATION BY THE GOVERNOR.

WHEREAS, the Comptroller did, on the first day of the May, 1895, under the provisions of an act entitled "An act to amend 'An act concerning corporations,' approved April seventh, one thousand eight hundred and seventy-five," approved March 20th, 1891, report to the Governor a list of all corporations coming within said act;

AND WHEREAS, the following named corporations so reported had for two years next preceding such report failed, neglected or refused to pay the State taxes, which had been assessed against them for the year 1892, 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 made void 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;

THEREFORE, I, GEORGE T. WERTS, Governor of the State of New Jersey, in pursuance of said act of the Legislature, do hereby issue this proclamation under said act, that the charter of the following-named corporations so reported and in default, to wit:—

MISCELLANEOUS CORPORATIONS.

Unpaid Taxes for 1892.

Absecon Beach Land and Improvement Company,
Adirondack Manufacturing Company,
Agricola LaBurt Manufacturing Company,
Air Shaft Protector and Manufacturing Company,
Alabama Mining and Manufacturing Company,
American Agency Company,
American Automatic Lighting Company,

American Commercial and Rebate Company,
American Drawn Trap Company,
American Duplex Dobbie Company,
American Engineering Company,
American Exhibition Company,
American Gas Controller and Fixture Company,
American Gas Fuel Company,
American Gramaphone Company,
American Manufacturing and Export Company,
American Milk Food Company,
American Nautical Telephone Company.
American Prepared Food Company,
American Printing and Stamp Cancelling Machine Company,
American Railway Equipment Company,
American Railway Spring Company,
American Refrigerating Transit Company,
American Shipping and Transportation Company,
American Silver and Lead Mining Company,
American Standard Telephone Company of the State of New Jersey,
American Tillage Company,
American Textile Machine Company,
American Umbrella Supply Company,
American Visual Telegraph Company,
American Water Works Company,
American Wax Bag and Manufacturing Company,
A. N. Ackerman Company,
Anthracite Construction Company,
Ardinger Rose Company,
Arkansas Contract Company,
Arthur Publishing Company,
Asbestos Packing Company,
Asbury Park Novelty Company,
Atlantic City Brick, Tile and Fireproofing Company,
Atlantic City Jockey Club,
Atlantic Iron Company,
Automatic Electric Alarm Company,
Automatic Fastener Company,
Automatic Filtered Ice Water Supply Company,
Automatic Railway Gate and Signal Company,
Automatic Vending Company,

Automaton Piano Company,
Baehr Electric Manufacturing Company,
Ball Machine Company,
Baltimore Fruit Company,
Barnegat Park Hotel Company,
Barry and James Manufacturing Company,
Bay State Land and Building Association,
Bedford Manufacturing Company,
Beldon Point Company,
Belfords Magazine Company,
Bellevue Hotel Company,
Belmont Riding Academy Company,
Ben Hur Mining Company,
Bergen and Bayonne Electric Company,
Berlin Land Association,
Berrigan Separator Company,
Big Stone Gap Coal Company,
Billings Process Company,
Bituminous Rock Pavement Company of New York,
Blandon Iron and Steel Company,
Blantyre Oil Company,
Bloomfield and Montclair Crystal Ice Company,
Bonzano Metalic Railroad Tie Company,
Bookwalter Steel and Iron Company,
Bouton-Merrihew Paint Company,
Brazilian Trade Company,
Brigantine Water Company,
Bronolyth Company,
Brown's Keystone Cement Company,
Brown's Mills Land and Improvement Company,
B. and S. Electric Equipment Company,
Bullock and Wilder Company,
Burrell Electric Signal Company,
Cable Construction Company,
Caloric Cone Company,
Camden News Publishing Company,
Canadian International Stock Yards and Abattoir Company Limited,
Carley and Carley Company,
Carteret Park Company,
Case and Redfield Machinery Company,
Casino Amusement Company,

Cataract Washing Machine Company,
Celluloid Enamel Company,
Centennial Iron Mining Company,
Central Fertilizer Company (formerly Central Sanitary and Manufacturing Company,)
Champion Dynamite Company,
Champion Gas Burner and Fixture Company,
Cheeseman Medicine Company,
Chesterfield Granite Company of Richmond, Virginia,
Chicago Introduction Company,
Chiriqui Trading Company,
Citizens Brewing Company,
City of Oklahoma Light, Manufacturing, Canal and Water Power Company,
Clamond Incandescent Gas Light Company,
Coast Water and Light Company,
Cocoanut Park Company,
Collapsible Safe and Closet Company,
Colorado Bay Mining Reduction and Trading Company,
Columbia Improvement and Construction Company,
Columbia Iron Company,
Columbia Iron and Mining Company,
Columbia Land and Lumber Company,
Columbia Mining Company,
Columbian Cigar Machine Company,
Columbian Dramatic and Panoramic Art Company,
Columbian Tourist Company,
Columbus Construction Company,
Columbus Improvement Company,
Commercial Gas Light and Fuel Company,
Commission Merchandise Company,
Commonwealth Security and Investment Company,
Confidence Mining Company,
Connecticut "New Light" Company,
Consolidated Axle Company,
Consolidated Railway Construction Company,
Consumers Agency,
Continental Rock Drill Company,
Co-operative Home Purchasing Company,
Crown Chemical Company,
Crown Pharmacal Company,

C. S. Phillips Patent Process Tobacco Growing and Curing Company,
Cumberland Gap Construction Company,
Cumberland Land and Improvement Company,
Doisy Fly Killer Company,
Danish, Norwegian and Swedish Fastener Company,
D. F. Foley & Company,
Diamond Carbon Company,
Diamond Mail Steamship Company,
Dispatch Printing and Publishing Company,
Dobbins Electric Soap Manufacturing Company,
Doctor Hercules Sanche Company,
Dramatic News Publishing Company,
Drummond Driving Park and Horse Breeders Association,
D. S. Hullfish Company,
Dufford Company,
Dufford Mining Company,
Dunlaps Cable News Company,
Eastern Steel Company,
Eastern Terra Cotta Lumber Company,
Easy Method Music Company,
E. B. Benjamin Manufacturing Company,
Eckert Electric Manufacturing Company,
Electric Medical Process Company,
Electric Novelty Advertising Company,
Electrical Amusement Company,
Empire State Cigar Machine Company,
Empressa del Alumbrado Electro de Cartagena of Barrauquilla,
Engineering Equipment Company,
Equitable Electric Company,
E. R. Parsil Pearl Button Company,
Eureka Manufacturing Company,
Eureka Typewriter Company,
Eureka Vehicle Spring Company,
European Western Electrical Instrument Company,
Excelsior Paving and Construction Company,
Fairchild and Shelton Company,
Fallon Land and Livestock Company,
Ferrell Manufacturing Company,
Fibrone Company,

Finderne Park,
Florida Construction Company,
Florida High Grade Phosphate Company, Limited.
Foehl and Weeks Fire Arms Manufacturing Company,
Forest Park Land Company,
Forrest Marine Power Works,
Fort Hamilton Brewing Company, Limited,
Fottrell Patent Hygienic Concrete and Imperishable Asphalt Company,
Fr. Beck and Company,
Franco-American Horn Manufacturing Company,
Franco-American Wine Company,
Franco Hacienda Company,
Freehold Improvement Company,
Freehold Land Company,
French American Publishing Company,
French, Belgian and Swiss Fastener Company,
Fun Publishing Company,
Furnace Slag Paving Company,
Gas Engineering Company,
Gate City Smelting Company,
George K. Smith Grain and Hay Company,
German-American Filter Company,
German and Austria Fastener Company,
Germantown Smelting and Refining Company,
Globe Press Association,
Globe Stopper Company,
Gloucester Ice and Brewing Company,
Graceland Improvement Company,
Graham Button Company,
Granite Association,
Great Britain Fastener Company,
Great Lakes Transit Company,
Gregg Manufacturing Company,
G. Schmidt Rubber Heel Shoe Company,
Guarantee Indentification Company of Pennsylvania and New Jersey,
G. Wright Young Company,
Haberman Manufacturing Company,
Haentze Medicine Company,
Hallowes Car Axle Box Company,
Hamilton Hotel Company,

Hardwood Decorative Company,
Harlem Storage Warehouse and Express Company,
Harriman Wrought Iron Company,
Harrison Land Company of Cape May,
Hebrew Agricultural Association,
Hebron Land Improvement Company,
Heidelberg Compound Oxygen Company,
Herbert Land Improvement Company of New Jersey,
Hermosa Mining Company,
H. H. Warner Invesament Company,
Hill Grain Drying Company,
Hill Millinery Company,
H. O. Bernard Manufacturing Company,
Home Building Company,
Homer Coal and Mining Company,
Homestead Society Promotive Company,
Honduras Commercial Company,
Horozone Company,
Hotel Appliance Company,
Howell Pharmaceutical Company,
H. S. Miller and Company,
H. S. Scull Company,
Hurst and Company,
Hutchinson Furnace and Gas Producer Company,
Hydo-Electrical Body Wear Company,
Hydrogen Company of New Jersey,
Incorporators and Underwriters Company of New York,
Indestructible Leather Company,
Indestructible Pile and Pier Company,
Industrial Land Association,
Inter-Island Construction Company,
International Freezing and Refrigerating Machine Company,
International Inquiry Company,
International Investigation and Promoting Company,
International Oyster Company,
Interstate Oil Refining and Color Company,
Interstate Terminal Construction Company,
Iron Car Equipment Company,
Irondale Glass Manufacturing Company,
Italian, Spanish and Portuguese Fastener Company,
Jean Tack Cash Recorder Company,

Jenness-Miller System and Pattern Company,
Jersey City Land and Basin Company,
Jersey Coast Automatic Photo-Type Company,
Jersey Novelty and Manufacturing Company,
John E. Beggs Machinery and Supply Company,
Kansas and Nebraka Construction Company,
Kavanaugh Shaft Coupling Company,
Kennedy Groswith Electric Company,
Keystone Coal, Lime, Builder's Supplies and Feed Company,
Keystone Gas Fixture Manufacturing Company,
Keystone Gold Mining Company,
Keystone Manufacturing and Novelty Company,
Kimball Brothers Company,
Kismet Chemical Company,
Klunder Company,
Knock Out Company,
Knoxville Belt Railroad Construction Company,
Knubel Manufacturing Company,
Laclede Power Company,
Lafayette Land Association,
Lancewood Land and Improvement Company,
Land Exchange,
Larzalere Company,
Leake Pneumatic Transportation Company,
Lester-Shire News Company,
Linotype Reporting and Printing Company,
Lithia Springs Hotel Company of Tallapoosa, Georgia,
Loewenberg Brothers Furniture Company,
Long Beach Gravel Company,
Loughridge Brake and Car Company,
Lund Manufacturing Company,
Machinists Association,
Maggie Fox and Sons Company,
Manhattan Coal Saver Company,
Manhattan Manufacturing Company,
Manhattan Shade Cloth Company,
Manhattan Subscription and Supply Association,
Manifold Copying Machine Company,
Mansfield Compressed Trap Company,
Marion Manufacturing Company,
Maross Jenkins Flour Company,

Marshall E. Smith and Brother,
Mary F. Seymour Publishing Company,
Maryland Land Company,
Maryland Railroad Construction Company,
Mayer Pottery Manufacturing Company,
McGovern Cushion Tire Company,
McDougall Martin Electric Company,
McNee Dredging Company,
Mercantile Agency Company,
Merchants Warehouse Company,
Metropolitan Automatic Fire Alarm Company,
Metropolitan Manufacturing and Vending Company,
Metropolitan Steam Power Increasing and Fuel Saving Company,
Metuchen Real Estate and Improvement Company of Middlesex County, New Jersey,
Mexican Electric Company,
Mexican International Steamship Company,
Millville-Schuyler Electric Light Company,
Montague Construction Company,
Montgomery Comic Opera Company,
Montross Manufacturing Company,
Moore Electrical Manufacturing Company,
Muskegon Mining Company,
Mutual Improvement Association of Riverside, New Jersey,
Mutual Land Improvement Association of Delanco, New Jersey,
Mutual Stock Company,
Nassau Manufacturing Company,
National American Amusement Company,
National Chemical Company,
National Construction Company,
National Dredging Company,
National Fibre Company,
National Gas Heating Company,
National Gypsum Plaster Company,
National Hat Company,
National Labyrinth Company,
National Manufacturing Company,
National Patent Company,
National Phosphate Rock Company,

National Salt and Chemical Company,
National Sanitary Company,
National School Furniture Company,
Naylor and Flack Company,
Naylor Manufacturing Company,
New Arc Mining Company,
New Jersey Ice Line,
New Jersey Land Company,
New Jersey Publishing and Agency Company,
New Jersey Pure Butter Company,
New Jersey and Santo Domingo City Bridge Company.
New Jersey Staats Zeitung Company,
New York Automatic Machine Company,
New York Bond and Mortgage Trust,
New York and Boston Rapid Transit Company,
New York and Brooklyn Suburban Investment Company.
New York Contract Company,
New York Electric Construction Company,
New York Expert and Export Company,
New York and Florida Phosphate Company,
New York Land and Construction Company,
New York, Maine and New Brunswick Steamship Company,
New York and New Jersey Automatic Fire Alarm Association,
New York and New Orleans Coal and Iron Company of Tennessee,
New York Paving and Contracting Company,
New York Rolling Window Screen Company,
New York Seal Plush and Tapestry Company,
New York Underwriters and Indemnity Association,
Nicaragua Trading Company,
North American Fastener Company,
North American Phosphate Company,
North River Shoe and Leather Company,
North and South Improvement Company,
Northern New Jersey Fair Association of Paterson, New Jersey,
Northwestern Supply and Construction Company,
Novelty Preserving Company,
Ocala and Silver Springs Company,

Ocean City Light, Heat and Power Company,
Ocean Comfort Company,
Ohio Union Company,
Ostrander and Loomis Land and Live Stock Company.
Overbrook Tailoring Company,
Oxy-Hydro Carbon Light, Heat and Power Company,
Palisades Amusement and Exhibition Company,
Palmer and Rice Manufacturing Company,
Palmyra Smelting Company,
Pan American Rice Company,
Parkland Spiritualists Camp Meeting Association,
Parsons Ventilator Company,
Paterson Electrical Manufacturing Company,
Paterson Velvet Company,
Paulison Improvement Company,
Pearl Photo-Engraving Company,
Penn Dredging Company,
Pennsyluania Filtration Company,
Pennsylvania Slate Company,
Peqannock Land and Building Company,
Perfection Car Company,
Philadelphia Paste Company,
Phillips Engine Company,
Pierre Clement Leather Company,
Pickney Spice Company,
Pine Lake Park Land and Improvement Company,
Pine View Company, Limited,
Pinola Co-operative Company,
Piper and Company,
Plainfield Lumber Company,
Pneumatic Impact Tool Company,
Point Mountain Lumber Company,
Polar Refrigerating Company,
Port Deposit Granite Company,
Positive Screw Pump and Meter Company,
Poughkeepsie Shade and urtain Pole Manufacturing Company,
Process Coffee Company,
Prong Moulding Machine Company,
Prospect Heights Gymnasium, Limited,
Provincial Dry Dock Company,
Pyle Ink Company,

Railroad Topics Publishing Company,
Railway Equipment and Electric Company,
Railway Press Publishing Company,
Railway Security and Investment Company,
Ralph McGeragle Mining and Construction Company,
Ramapo Company of New Jersey,
Reagan Manufacturing Company,
Realty Investment Company,
Record Publishing Company of East Orange, New Jersey,
Red Oxide Mining Company,
Refrigerating and Transportation Company of New Jersey,
Revolving Purifier Company of America,
Richardton Land and Improvement Company,
Richmond Paint and Chemical Company of New Jersey,
Ridgway Coal Mining Machine Company,
Roberts Disinfectant Company,
Robertson Electric Railway Construction Company,
Rodeman Drug and Chemical Company,
Rose Refrigerating Company,
Russian and Turkish Fastener Company,
Saddle River Ice Company,
Saint George Exhibition Company,
San Diego Gas and Electric Light Company,
Sanford Manufacturing Company,
Schuch Bay Placer Mining Company,
Seaboard Transportation Company,
Security Land Investment Company,
Seeman and Company, Limited,
Sheffield and Birmingham Construction Company,
Sherman Samuels and Company,
Silex Cement Slate and Tile Company,
Silver King Mining and Milling Company of Idaho,
Simplex Bottle Manufacturing Company,
Simplex Clasp Company,
Singer Elevator Safety Stop Company,
Sinhalese Tea and Coffee Company (formerly Ceylon Planters Tea Company),
Soden Mineral Springs Company,
South Amboy Improvement Company,
South Beach Amusement Company,

Southern Ice and Cold Storage Company,
Sparman Furniture Company,
Sporting Times Company,
Spring and Stafford Manufacturing Company,
Squier and Whipple Company,
St. Albans Land Company,
Standard Cement Company,
Standard Chemical Company,
Standard Fuel and Illuminating Gas Company,
Standard Keystone Target Company,
Standard Light Company of New Jersey,
Standard Malt Extract Company,
Standard Press Company,
Standard Railway Supply Company,
Standard Union Specialty Company,
Staten Island Stone Company,
Steel Die Manufacturing Company,
Stewart and Wooley Company,
Strachan Manufacturing Company,
Strong and Elder Company,
Strubel Kidney and Liver Cure Company,
Submarine Tunnel Company,
Substantial Building and Land Improvement Company,
Sub-Surface Electric Company,
Sugar-Coated Yeast Company,
Summit Record Company,
Sun Publishing Company,
Sunset Placer Mining Company,
Sweeting Cycle Company,
Switch and Foot Guard Company,
Teachers Publishing Company,
Technical Chemical Company,
Telephone Directory Publishing Company,
Texas Lithographic Stone Company,
Textile Manufacturing Company,
Thomas Inflatable Tire Company,
Thomas Murray Company,
Thowless Aluminum Syndicate,
Three Americas Company,
Totoket Granite Company,
Traymore Phosphate Rock Company,
Tropical Ice Machine Company,

Union Car Manufacturing Company,
Union Credit Company of Baltimore, Maryland,.
Union Blue Stone Company,
Union Manufacturing Company of Mount Holly, New Jersey,
Union Milk Company,
Union National Publication Company,
Union Pavement Company,
Union Plaster of Paris Company,
Union Electric Equipment Company,
United Local Express Company,
United States Amusement Company,
United States Book Company,
United States Chromograph Company,
United States Commercial Agency and Collecting Company,
United States Construction and Pipe Manufacturing Company,
United States Cycle Manufacturing Company,
United States Employment and Business Agency,
United States Export Company,
United States Fuel Company,
United States Manufacturing Company (No. 1),
United States Purchasing and Supply Agency Company,
United States Railway Advertising and Distributing Company,
United States Ship Owners Association,
United States and South American Mining Company,
United States Umbrella Providing Company,
United States Wheel Company,
Universal Electric Railway Construction Company,
Universal Striking Machine Company,
Van Bell Rye and Rock Medicine Company,
Virginia Coal and Coke Company,
Virginia Fish Guano Company,
Walton Manufacturing Company,
Warm Springs Consolidated Mining Company,
Washington City Development Company,
Washington Land Improvement Company,
Watauga Valley Iron Company,
Wehn Pavement Company,
Wellwood Electric Company,

Western Investment and Security Company,
West India Trading Company,
West Indies Asphalt Company,
Westminster Publishing Company,
Whale Steamboat Transportation Company,
W. H. Fay Manilla Company,
W. H. Seidel Company,
Wilburton Land and Improvement Company,
Windsor Company,
Windsor Hotel Company (Jacksonville, Florida,)
Windsor Trucking Company,
W. K. Farrington Company,
Wood Lumber Company,
Woodworth Cutlery Company,
Wrought Steel Wheel Company,
are void, and all powers conferred by law upon such corporations and each of them are hereby declared inoperative and void.

And I direct that this proclamation shall be filed in the office of the Secretary of State and be published for one week in the following newspapers, namely: "The True American," of Trenton, New Jersey; "The Ctate Gazette," of Trenton, New Jersey, "The Jersey Sity News," Jersey City, New Jersey; "The Jersey City Democrat," Jersey City, New Jersey; "The Evening Journal," Jersey City, New Jersey; "The Camden Review," Camden, New Jersey.

[SEAL.] In Witness Whereof, I have hereunto set my hand and caused the Great Seal of the State to be affixed, at Trenton, this second day of May, eighteen hundred and ninety-five.

GEORGE T. WERTS,
Governor.

By the Governor,
HENRY C. KELSEY,
Secretary of State.

PROCLAMATION BY THE GOVERNOR.

With great regret I announce to the people of the State the death of Robert S. Green, ex-Governor of New Jersey, which occurred at his residence in the city of Elizabeth, on May seventh, instant.

Robert S. Green was successively Surrogate, President Judge, Member of Congress, Governor, Vice Chancellor and Judge of the Court of Errors and Appeals.

He also held many other positions of honor and distinction. He discharged every duty faithfully, and was conscientious and upright in all things. His public career exemplified the honest and patriotic official; his private life, the devoted husband, the loving parent, the steadfast and faithful friend.

The memory of a citizen so worthy and esteemed in life should be especially observed and commemorated in death.

Therefore, I, GEORGE T. WERTS, Governor of the State of New Jersey, do hereby direct that all the public buildings be draped in mourning, the flags placed at half mast, and that on the day of the funeral a proper salute be fired and all public offices closed during the funeral obsequies.

I also request, that during the funeral exercises of the deceased, the citizens of the State abstain so far as possible from their usual secular avocations and devote themselves to appropriate religious services and such demonstrations of sorrow and respect as are fitting to the memory of the illustrious dead.

Given under my hand and the Great Seal of
[L. S.] the State, at Trenton, this seventh day of May, A. D. eighteen hundred and ninety-five.

GEORGE T. WERTS.

By the Governor,
HENRY C. KELSEY,
Secretary of State.

PROCLAMATION BY THE GOVERNOR.

WHEREAS, On the second day of May, eighteen hundred and ninety-five, under the act entitled "An act to repeal the charter of all corporations that have heretofore failed to pay state taxes imposed on them by law," approved March twenty-sixth, 1891, I did issue my proclamation of that date, that the charters of certain corporations reported 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 Simplex Bottle Macufacturing Company, one of the corporations named in my said proclamation, has not refused to pay said tax within two consecutive years.

NOW, THEREFORE, In pursuance of section two of an act of the legislature of this state entitled "An act to amend 'An act concerning corporations,' approved April seventh, one thousand eight hundred and seventy-five, which amendatory act was approved March twentieth, one thousand eight hundred and ninety-one," approved March 13th, A. D., 1893.

I, GEORGE T. WERTS, Governor of the State of New Jersey, do hereby correct the mistake of including the said The Simplex Bottling Manufacturing Company in my said proclamation, and do make the same known by this my proclamation to be filed in the office of the secretary of state.

[SEAL.] In Witness Whereof, I have hereunto set my hand and caused the great seal of the state to be affixed at Trenton, the fourth day of June, A. D., eighteen hundred and ninety-five,

GEORGE T. WERTS,
Governor.

SPECIAL PUBLIC ACTS.

SPECIAL PUBLIC ACTS.

CHAPTER XIX.

An Act to alter and change the territorial area of the township of Morris, in the county of Morris, by taking therefrom all that part of said township which is included within the corporate limits of the town of Morristown.

Description of portion of township set off to town of Morristown.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all that portion of the township of Morris, in the county of Morris, included within the corporate limits of the town of Morristown, and described in "An act to incorporate Morristown," approved April sixth, one thousand eight hundred and sixty-five, as amended by the supplement thereto approved March fifteenth, one thousand eight hundred and sixty-six, as follows: "Beginning on the Baskingridge road at and including the house of Joseph Thomson; thence in a straight line to and including the house of John T. Foote; thence in a straight line across the New Vernon road, to and including the house of William H. Howland; thence in a straight line to the Spring Valley road, to and including the house formerly owned by the Reverend J. M. Johnson (and known as the Bellevue house); thence in a straight line to the Madison road, to and including the house of John Sneeden; thence in a straight line to the Whippany road, to and including the house of Mrs. Joseph M. Lindsley; thence in a straight line to the Horse Hill road, to and including the house of Mrs. G. Meeker; thence in a straight line to and including the house of

E. Boonen Graves; thence in a straight line to the Morris Plains road, to and including the house of J. Couper Lord; thence in a straight line to the Walnut Grove road, to and including the house of Byron Sherman; thence in a straight line to the Mendham road, to and including the house of Jacob T. Axtell; thence in a straight line to the place of beginning on the Baskingridge road," be and the same is hereby set off from the township of Morris, in the county of Morris, and that the territory so set off shall no longer be part of the township of Morris.

Repealer.

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

Approved February 18, 1895.

CHAPTER XXXVII.

An Act to create a new township in the county of Bergen to be called the township of Teaneck.

Boundaries defined.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all that portion of the township of Englewood and of the boroughs of Leonia and Bogota, in the township of Ridgefield, in the county of Bergen, lying within the following boundaries, to wit: beginning at the Hackensack river where the same is intersected by the center line of the road leading from New Bridge to Schraalenberg, being the dividing line between the townships of Englewood and Palisades; running thence (1) in a generally easterly direction along the center line of the said road to the westerly line of the borough of Bergen Fields (the same being the westerly line of the farm land of the estate of Peter Baker, deceased, lying on the southerly side of said road); thence (2) along the line of the bor-

ough of Bergen Fields, first southerly and then in a generally easterly direction, till it meets the division line between the townships of Englewood and Palisades, and then continuing along said division line to a point distant easterly two thousand five hundred feet from the easterly line of the Teaneck road, measured at right angles therefrom; thence (3) southerly, and parallel with the Teaneck road and distant two thousand five hundred feet therefrom, to a point eight hundred feet south of the southerly line of Railroad avenue, measured at right angles therefrom; thence (4) easterly, and parallel with Railroad avenue and eight hundred feet distant therefrom, to a point distant two hundred feet westerly from the center of the Overpeck Creek Canal, measured at right angles therefrom; thence (5) southerly, and parallel with said canal and distant two hundred feet therefrom, to the center of Cedar lane road; thence (6) easterly along the center of said road to the center of the said Overpeck Creek Canal; thence (7) southerly along the center of the Overpeck Creek Canal and the center of the Overpeck Creek to the northerly line of the Village of Ridgefield Park, extended to the centre of said creek; thence (8) westerly to and along said northerly line of the Village of Ridgefield Park (the same being the southerly line of land late of Cornelius Van Valen and of Jasper Westervelt) to the easterly line of the borough of Bogota (being one hundred and fifty (150) feet easterly from the Queen Ann road); thence (9) northerly, following said borough line and parallel with said road and one hundred and fifty feet distant therefrom, to the center line of the Hackensack and Fort Lee road; thence (10) westerly along the center of the said Hackensack and Fort Lee road to the division line between the farm belonging to the estate of John De Gray, deceased, and the land of Geo. Foster (the same being about seven hundred and seventy-seven feet westerly along said road, from the center of Westfield avenue); thence (11) northerly along said division line between the said farm of John D. Graw, deceased, on the east, and the land of George Foster and the land of Ralph Bogert, on the west, and along the said division line

projected in the same course, across the land of Albert Z. Bogert and the land of the estate of Peter P. Bogert, deceased, to the land of the estate of William Walter Phelps, deceased; thence (12) westerly along the division line between the farm of the estate of Peter P. Bogert, deceased, on the south, and the land of the estate of William Walter Phelphs, deceased, and the farm of Jacob Terhune, on the north, to the Hackensack river; thence (13) northerly along the Hackensack river to the point of beginning; shall be and is hereby set off from the said township of Englewood and boroughs of Leonia and Bogota and the township of Ridgefield and shall be and is hereby created a separate township to be called and known as the township of Teaneck.

Inhabitants constituted a body politic and corporate.

2. *And be it enacted*, That the inhabitants of the said township of Teaneck shall be and they are hereby constituted a body politic and corporate in law, and shall be styled and known by the name of "the inhabitants of the township of Teaneck, in the county of Bergen," and shall be entitled to all the rights, powers, authority, privileges and advantages, and be subject to the same regulations, government and liabilities as the other townships in said county of Bergen are or may be entitled or subject to by the laws of this state.

Clerk shall designate time and place for holding first election.

3. *And be it enacted*, That the inhabitants of the township of Teaneck aforesaid shall hold their first town meeting or township election on any day within two months after the passage of this act, at such time and place as shall be designated by the clerk of the township named herein, the usual notice whereof shall be given by said clerk.

Election—how conducted.

4. *And be it enacted*, That said election, and all matters relating thereto, shall be conducted and regulated by a board of registry and election, to be appointed by the county board of registration of the county of Bergen, and to be constituted and qualified as boards of registry and election are appointed, constituted and qualified in the several townships of said county of Bergen, which township board of registry and election shall perform the same duties in preparing the registry and poll list as are required of boards of

registry and election in cases of the creation or establishment of new or additional election districts in a township.

Terms of offices fixed.

5. *And be it enacted*, That the officers elected at said township election shall be elected to the respective offices and hold the same for the term now provided for by law.

Township committees shall divide the property.

6. *And be it enacted*, That the township committees of the townships of Englewood and Teaneck shall meet on the second Tuesday next after the first town meeting or township election in said township of Teaneck at the lock-up in the village of Englewood, at two o'clock in the afternoon of that day, and then and there proceed by writing, signed by a majority of those present, to allot and divide between the said townships all the property, real and personal, moneys on hand, due or to become due, in proportion to the taxable property and ratables as assessed by the assessor of the said township of Englewood, within the limits of the respective townships of Englewood and Teaneck, at the last assessment, and the inhabitants of the respective townships shall be liable to pay their just proportion of the debts, if any there shall be; and that the township committees of the townships of Ridgefield and Teaneck shall meet on the third Wednesday next after the said first town meeting or township election, at the Lyceum in Leonia, at two o'clock in the afternoon of that day, and then and there proceed by writing, signed by a majority of those present, to allot and divide between the said townships all the property, real and personal, moneys on hand, due or to become due, in proportion to the taxable property and ratables as assessed by the assessor of the said township of Ridgefield, within the limits of the respective townships of Ridgefield and Teaneck at the last assessment, and the inhabitants of the respective townships shall be liable to pay their just proportion of the debts, if any there shall be; *provided*, that a majority of the persons comprising the township committees of the two townships at either of said meetings shall constitute a quorum and may proceed to make said division, and the decision of a majority of those present at each meeting shall be final and conclusive;

Inhabitants of the townships shall pay the debts

Proviso.

Proviso. *provided*, that it shall be lawful to adjourn either of said meetings to such time and place within either of said townships as a majority of those assembled as aforesaid may deem proper.

Temporary clerk appointed. 7. *And be it enacted*, That Cornelius J. Terhune shall be and is hereby appointed and constituted clerk of said township of Teaneck until his successor shall be elected and qualified (or in case of his disability or death, Henry J. Brinkerhoff shall act as such clerk), and it shall be the duty of such clerk to set up the notice required by law for holding said town meeting or township election, and shall perform such other duties as may pertain to the office of township clerk.

Each township shall support its own paupers. 8. *And be it enacted*, That each township shall support the paupers whose settlement is or may be within the bounds of said township.

Present justices of the peace shall serve their terms. 9. *And be it enacted*, That nothing in this act contained shall be so construed as to interfere with or impair the commissions of justices of the peace or commissioners of deeds until they shall expire by limitation,

Rights to portion of surplus revenue not to be impaired. or so as to impair the rights of the said township of Teaneck in and to its just and legal proportion of the surplus revenue of the general government and the interest thereon, or so as to impair the validity of any proceedings heretofore or hereafter taken to create the town of Englewood, except as to that part of the township of Englewood included within the township of Teaneck as hereby created, to which said proceedings shall not apply.

Repealer. 10. *And be it enacted*, That all acts or parts of acts inconsistent with the provisions of this act be and the same are hereby repealed.

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

Approved February 19, 1895.

CHAPTER XXXVIII.

An Act to establish a new township in the county of Burlington and state of New Jersey, to be known as the township of Riverside.

Boundaries defined.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all that portion of the township of Delran, in the county of Burlington, lying north of the following line, to wit: beginning at a stake in the line between the township of Cinnaminson and the said township of Delran, which stake is fifty-five chains and twenty-five links southwardly along said line from the middle of the eastbound track of the Camden and Amboy railroad, and runs from said stake north, sixty-nine degrees and twenty-three minutes east, to the centre of the Rancocas river, passing three feet distant southwardly at right angles from the southwest corner of Charles G. Robeson's dwelling, shall be and hereby is set off from the said township of Delran, and made a separate township, to be known by the name of Riverside.

Inhabitants constituted a body politic and corporate.

2. *And be it enacted*, That the inhabitants of the township of Riverside shall be and hereby are constituted a body politic and corporate in law, and shall be styled and known by the name of the inhabitants of the township of Riverside, in the county of Burlington, and shall be entitled to all the rights, powers, authority, privileges and advantages, and subject to the same regulations, government and liabilities as the inhabitants of the other townships in the county of Burlington are or may be entitled to by the laws of the state of New Jersey.

Clerk shall designate place for holding first election.

3. *And be it enacted*, That the inhabitants of the township of Riverside aforesaid shall hold their first town meeting or township election on the day now fixed by law for holding the annual town meeting or

township elections in the several townships in the county of Burlington, and at such suitable room within such township as shall be designated by the township clerk thereof.

Election—how conducted.

4. *And be it enacted*, That said election and all matters relating thereto shall be regulated and conducted by a board of registry and election, to be appointed by the board of registration of the county of Burlington, in the same manner and to be constituted and qualified as boards of registry and election have been appointed and are now constituted and qualified in the several townships in said county of Burlington, which township board of registry and election shall perform the same duties in preparing a registry and poll list as are required of boards of registry and election in cases of the creation or establishment of new or additional election districts in a township.

Terms of office fixed.

5. *And be it enacted*, That the officers elected at said town meeting or township election shall be elected to their respective offices and hold the same for the terms now provided by law.

Temporary clerk appointed.

6. *And be it enacted*, That William T. Stecher shall be and is hereby appointed and constituted the clerk of said township of Riverside until his successor shall be elected and qualified, and it shall be his duty as such clerk to set up the notices required by law for holding said town meeting or township election, together with all the several duties of a township clerk.

Township committees shall divide the property.

7. *And be it enacted*, That the township committees of the townships of Riverside and Delran, aforesaid, shall meet on the first Tuesday next after the said first town meeting or township election at Haffner's Hall, in the township of Riverside, in the county aforesaid, at ten o'clock in the forenoon of that day, and then and there proceed, by writing signed by a majority of the members of said committees present, to allot and divide between the said townships all the property, real and personal, moneys on hand, due or to become due, in proportion to the taxable property and ratables as assessed by the assessor of the said township of Delran, within the limit of the respective townships of Riverside and Delran, at the last assessment, and may adjourn said

meeting from time to time, as a majority of those present may deem proper; and the inhabitants of the respective townships shall be liable to pay their just proportion of the debts of said township of Delran; and a majority of the persons comprising the township committee of said two townships shall constitute a quorum, and may proceed to make said division, and the decision of a majority of those present shall be final and conclusive; *provided*, that it shall be lawful to adjourn said meeting to such time and place within either of said townships as a majority of those assembled as aforesaid may think proper. Proviso.

8. *And be it enacted*, That nothing contained in this act shall be so construed as to impair the rights of the said township of Riverside in and to its just proportion of the surplus revenue of the general government and the interest thereon. Rights to proportion of surplus revenue not to be impaired.

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

Approved February 20, 1895.

CHAPTER XLI.

A Further Supplement to an act entitled "An act to incorporate the Town of Clinton, in the townships of Clinton, Franklin and Union, in the county of Hunterdon," approved April fifth, one thousand eight hundred and sixty-five.

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

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That all that part of the townships of Clinton, Franklin and Union, in the Boundaries defined.

county of Hunterdon, contained with the following limits, to wit: beginning at a stake standing in a line between the said townships of Franklin and Union, in the road known formerly as the New Jersey turnpike, at the place where the public road leading from Bonnel's tavern to the Union intersects said road, known formerly as the New Jersey turnpike, running from thence along the line of said road leading from said tavern to the Union, in a northerly direction to the stake in said road corner to lands late of A. W. Dunham, deceased, and in a line of lands late of Godfrey Case, deceased; thence along lands late of said Dunham and said Case due east to the southwest corner of lands of William S. Wyckoff; thence in a northerly direction along the western lines of the lands of said Wyckoff to the line of lands of Garrett Conover; thence in an easterly direction along the north line of said Wyckoff's land to the northwest corner of land late of Caleb G. Halsted, deceased; thence along the north line of the last named tract and lands of Henry Fields, deceased, including the same, to a corner in lands of said Henry Fields, deceased, and George W. Sharp; thence in an easterly direction along the line of lands of said George W. Sharp and William H. Yawger to a corner of lands of said George W. Sharp, William H. Yawger and Jacob F. Miers; thence along the line between the said George W. Sharp and Jacob F. Miers in a southerly direction to a corner in the public road leading from Clinton to Annandale; thence along said road in an easterly direction to corner of lands of James Mulligan and the estate of John T. Leigh, deceased; thence in a southerly direction along the line between the lands of said Mulligan and Leigh estate to a corner in a line of Isaac Aller's land; thence in a westerly direction along the line of lands between said Aller and Leigh, deceased, to the east line of lands late of John Macklin's estate; thence along the line of said Aller and Macklin's estate in a southerly direction to the road between said Aller and Jacob D. Fritts, deceased; thence along said road in a westerly direction to a corner in the great road leading from Clinton to Flemington; thence along the said road in a southerly direction to the southeast

corner of James P. Huffman's land; thence along the line of James P. Huffman's land in a westerly direction to a corner in the South Branch of the Raritan river; thence due west to a corner in a line of lands belonging to George Jones and Nehemiah Dunham; thence along said line in a northerly direction to the northeast corner of said Jones' land; from thence in a northwesterly direction to the place of beginning; shall be and hereby is erected into a borough or town corporate, which shall be called and known by the name of "the Town of Clinton," and the inhabitants thereof shall be and hereby are incorporated by the name of "the inhabitants of the Town of Clinton," and by that name they and their successors forever shall and may have perpetual succession, and shall be persons in law capable of suing and being sued, pleading and being impleaded, answering and being answered unto, defending and being defended, in all manner of actions, suits, complaints, matters and causes whatever; may have a corporate seal and alter the same at their pleasure, and may, by their corporate name aforesaid, purchase, receive, hold and convey any estate, real or personal, for the public use of said corporation.

Inhabitants constituted a body politic and corporate.

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

Approved February 20, 1895.

CHAPTER LXXXVIII.

A Further Supplement to an act entitled "An act to incorporate the Hackensack improvement commission," approved April first, one thousand eight hundred and sixty-eight.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the northerly line of the Hackensack improvement commission

Boundary line extended.

shall be extended so as to include the residue of the township of New Barbadoes, lying northerly of the present northerly boundary line of said commission; and that all the territory within the township of New Barbadoes lying north of said present boundary line of the said commission be and the same is hereby annexed to the said the Hackensack improvement commission, and is subject to the jurisdiction thereof.

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

Approved March 5, 1895.

CHAPTER CLVI.

An Act to repeal an act entitled "An act for the preservation of order in a portion of the township of Clayton, in the county of Gloucester," approved April ninth, one thousand eight hundred and sixty-seven.

Act repealed.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the act entitled "An act for the preservation of order in a portion of the township of Clayton, in the county of Gloucester," approved April ninth, one thousand eight hundred and sixty-seven, be and the same is hereby repealed.

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

Approved March 14, 1895.

CHAPTER CLVII.

A Further Supplement to the act entitled "An act for the improvement of Somerville," approved March twenty-fifth, one thousand eight hundred and sixty-three, and the supplements thereto, by which further supplement the boundaries of said town are to be extended.

Section to be amended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the first section of the act to which this is a supplement, and which was amended by an act entitled "A supplement to the act entitled 'An act for the improvement of Somerville,'" approved March twenty-fifth, one thousand eight hundred and sixty-three, by which supplement the boundaries of said town are extended, approved March thirty-first, one thousand eight hundred and seventy-one, be and the same is amended so as to read as follows:

New boundaries defined

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the limits of the town of Somerville, in the county of Somerset, for the purposes of this act, and the act to which this is a supplement, shall be as follows: beginning at the mouth of Peters brook; thence running by the same the several courses thereof to the south side of the bridge of the Central railroad company of New Jersey crossing said Peters 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 of Ralph A. Wilson and Anton Joerges; thence northerly in a straight line to the southerly side of a public road leading from Somerville to Bound Brook, commonly called Plainfield avenue, and at a point in the division line between the lands of Ralph

A. Wilson and Anton Georges; 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 the 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, to a point 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 line, to the northwesterly corner of her farm; thence still westerly, in a straight line, to the bridge on the Pluckemin road at or near the dwelling-house on the farm formerly belonging to Peter Van Deventer, deceased; thence down the brook crossed by said bridge to Peters brook; thence by the same, the several courses thereof, to a point where the easterly boundary of the farm formerly in the possession of the Reverend Frederick 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.

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

CHAPTER CLXVII.

An Act to change the boundary line between the city of Burlington and the township of Burlington, and to set off to said township part of said city.

New boundary defined.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the boundary line between the city of Burlington and the township

of Burlington be changed so as to set off to said township all that part of said city lying west and southwest of a line beginning at a stone situate at the southwest corner of Mill street or road and Mount Holly road, and runs thence northwardly across said Mill street or road to the northwest corner of the same; thence along the north side of said Mill street or road to the centre of the Salem road; thence northwardly in a straight line to the south end of the sluice-wall, and on the same course continued to low-water mark in the river Delaware.

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

Approved March 18, 1895.

PRIVATE ACTS.

PRIVATE ACTS.

CHAPTER IV.

An Act for the relief of George Cox.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the George Cox, of the county of Passaic, be and he hereby is restored to all his former rights and privileges as a citizen of New Jersey.

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

Passed February 5, 1895.

CHAPTER CLXXXI.

An Act to extend the charter of the Bordentown banking company at Bordentown.

Charter extended.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That the act entitled "An act to incorporate the Bordentown banking company," passed April the third, in the year of our Lord one thousand eight hundred and fifty-five, and extended for the term of twenty years from the third day of April, in the year of our Lord one thousand eight hundred and seventy-five, by an act passed the sixteenth day of February, in the year of our Lord one thousand eight hundred and seventy-four, is hereby continued and ex-

tended for and during the term of twenty years from and after the third day of April, in the year of our Lord one thousand eight hundred and ninety-five, on which last-mentioned day and year this act shall take effect.

Approved March 19, 1895.

CHAPTER CCLXXVIII.

A Further Supplement to an act entitled "An act authorizing the inclosure of a certain tract of land, situate in the township of Pequannock, county of Morris, and state of New Jersey, called Tom's point," approved March fourth, one thousand eight hundred and fifty-two.

Conditions upon which certain lands may be held free of restrictions.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That whenever the owner or owners of any of the lands included within the boundaries mentioned and described in the act to which this is a supplement, and the supplement to said act, approved February twenty-second, one thousand eight hundred and fifty-six, shall desire to hold, occupy, use and possess his or their lands free and clear from the obligations and restrictions mentioned in said acts, and of the provisions contained therein in regard to fences, he or they may serve a notice upon one of the managers of the association formed under the authority of said acts, of his or their desire and intention, and thereupon said owner or owners, their heirs and assigns, may and shall thereafter exercise and enjoy all the rights of ownership over their said lands free and clear of any of the obligations and restrictions imposed by said acts, and free from any restraint or interference on part of the managers or officers of said association, in as full, complete and beneficial a manner as they would do had said acts not been passed, and their said

lands shall be subject thenceforth to the laws of this state relating to fences.

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

Approved March 22, 1895.

CHAPTER CCCXCVI.

An Act for the relief of Samuel F. Smith.

Restoration to citizenship.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That Samuel F. Smith, of the city of Salem, in the county of Salem, be and he is hereby restored to all his rights and privileges as a citizen of New Jersey.

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

Passed June 4, 1895.

CHAPTER CCCXCVII.

An Act for the relief of John P. Schick.

Restoration to citizenship.

1. BE IT ENACTED *by the Senate and General Assembly of the State of New Jersey*, That John P. Schick, of the county of Bergen, be and he hereby is restored to all his former rights and privileges as a citizen of New Jersey.

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

Passed June 4, 1895.

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